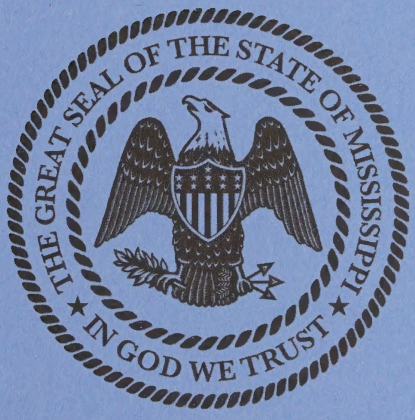
Pamphlet 1

MISSISSIPPI

ADVANCE SHEETS

2021 Legislative Session
General Laws



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MISSISSIPPI GENERAL LAWS ADVANCE SHEETS 2021

Regular Session

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ISBN 978-0-3271-5339-9

www.lexisnexis.com

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Matthew Bender & Company, Inc.
555 Middle Creek Parkway, Colorado Springs, CO 80921.

(Pub.44610)

PREFACE

Contents; publication schedule.

The 2021 Advance Sheets of the General Laws of Mississippi are part of the supplementation service for your official *Mississippi Code of 1972 Annotated,* and consist of a series of pamphlets issued during the 2021 Legislative Session of the State of Mississippi. The purpose of this service is to provide you with the most timely legislative information possible, and to make the most recent changes to the *Mississippi Code* available to you in an easy-to-use format.

The Advance Sheets contain all public acts enacted by the Legislature and approved by the Governor during the 2021 Regular Session. This pamphlet, the first in the series, contains the first 60 general bills that have become law. The second, third and fourth pamphlets will contain the remainder of the acts from the 2021 Regular Session. Appropriation bills and private and local bills are not included in the Advance Sheets.

The acts are arranged in order by House Bill and Senate Bill number, with House Bills appearing first. The final pamphlet will contain a cumulative table of House Bills and Senate Bills and their corresponding chapter numbers.

Summary of acts; tables; index.

To assist you in locating pertinent legislation, the Advance Sheets include several tables and other features prepared by the editorial staff of the publisher. Included in this Pamphlet 1 are the following:

- a **Summary of Acts** summarizing the subject of each act in the pamphlet;
- **Cumulative Legislative Summaries** giving brief descriptions of important legislation;
- a **Cumulative Table of Code Sections Affected** showing the impact of legislation on sections of the *Code*;
- a comprehensive, cumulative **Index**, with headings based on the headings that are used in the general index to the *Code.*

In addition, the following tables will be added to the final pamphlet:

- a **Cumulative Allocation of Acts Table** showing each general law and its effect on the section of the Code;
- **Cumulative Tables of House Bills and Senate Bills** and their corresponding chapter numbers.

As an added research feature, we have included an individual **Act Summary** preceding each General Law. This summary contains (1) a description of the act, (2) the legislative history of the act, (3) background information, such as the effective date and disposition of the act, (4) the House and Senate committees to which the act was referred, (5) the principal author of the act, and (6) a list of the *Code* sections affected by the act. To better utilize these act summaries, you should be familiar with the following abbreviations and their meanings:

- Under the heading "Background Information"
  "VRA" = Voting Rights Act
  "App. Req." = Approval Required
- Under the heading "Code Sections"
  "A" = Amended
  "R" = Reenacted
  "RA" = Reenacted and Amended
  "RP" = Repealed
  "BF" = Brought Forward

Treatment of acts in the Advance Sheets.

The most recent General Laws are printed herein exactly as passed. No corrections or other editorial changes have been made.

The Legislature has indicated changes to *Code* materials by using the following symbols:

- Single underscoring of material appearing in an act indicates text that will appear as newly added language in the *Mississippi Code*. For an entirely new section, the section number will be underscored. Double underscoring in the text of an act reflects an amendment to the language of the original bill.
- Triple asterisks (***) appearing in an act indicate the deletion of text from a section of the *Mississippi Code*. Where asterisks appear on a line by themselves, the deletion of one or more paragraphs is indicated.

Treatment of acts in *Mississippi Code of 1972 Annotated.*

It is IMPORTANT to note that the treatment of some legislation, when it later appears in the *Mississippi Code of 1972 Annotated*, may be subject to change for various reasons. For example:

- Certain sections of the acts printed in this Advance Sheet were not assigned *Code* section numbers; in these instances, the publisher's staff of legal analysts will suggest *Code* section designations, and these recommendations will be sent to the Joint Legislative Committee on Compilation, Revision and Publication of Legislation for approval;
- *Code* section number assignments might be changed, pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with previously existing section numbers or because of other refinements made during the editorial process; or
- Text of sections might be changed, also pursuant to the authority of the Joint Legislative Committee on Compilation, Revision and Publication of Legislation, because of conflicts with other approved legislation from the 2021 Legislative Session.

Any such changes will be reflected in the 2021 *Mississippi Code of 1972 Annotated* supplements and replacement volumes.

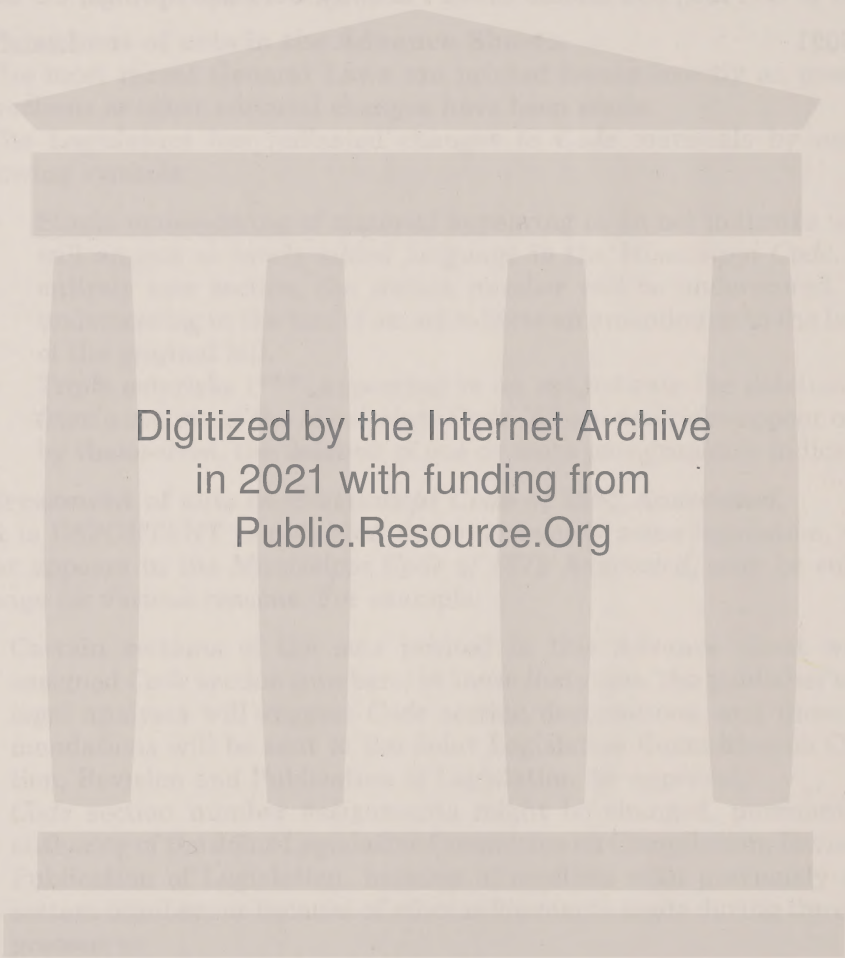
PREFACE

Information, suggestions, comments, and questions.

Visit the LexisNexis website at http://www.lexisnexis.com to find an online bookstore, technical support, customer service, and other company information.

Suggestions, comments, or questions about the *Mississippi Code* or the Advance Sheets are always welcome. You may contact us by calling us toll-free at (800) 833-9844, faxing us toll-free at (800) 643-1280, e-mailing us at customer.support@bender.com, or writing to *Mississippi Code* Editor, Matthew Bender & Co., Inc., 555 Middle Creek Parkway, Colorado Springs, CO 80921.

May 2021 LexisNexis



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Summary of Acts

HB/SB		Page
HB0001	State flag; shall be the design recommended by the Commission to Redesign the State Flag and approved in the November 2020 election.	1
HB0008	State Auditor; authorize to examine tax returns necessary for auditing certain federal benefits.	
HB0009	Coronavirus relief monies; transfer federal funds received, and provide small business relief.	
HB0069	State Veterans Affairs Board; provide that certain employees of are nonstate service employees under state personnel system. Dentists; provide immunity for providing charitable and emergency services.	
HB0072	Dentists; provide immunity for providing charitable and emergency services.	
HB0073	Chiropractors; extend repealer on licensure law.	
HB0074	Emergency Telecommunications Services (911); extend repealer on.	
HB0200	Remote patient monitoring services; delete requirement of 2 recent hospitalizations to qualify for.	
HB0286	Cemeteries; authorize to disinter and reinter dead human remains for next of kin instructions.	
HB0312	Mississippi Department of Agriculture and Commerce.	
HB0352	Home inspector license; require applicants to undergo certain background checks.	
HB0508	Department of Revenue; allow retiring law enforcement officer of to retain issued sidearm.	
HB0510	Revenue must retain.	
HB0519	Motor vehicle license tags; remove requirement for apportioned vehicles to have decal with expiration month/year on tag.	
HB0632	"All Fuels Act of 2021"; establish.	
HB0695	State Domestic Violence Fund; remove the matching funds requirement for.	
HB0746	Mississippi Motor Vehicle Commission Law; revise regarding warranty reimbursement.	
HB0886	Law enforcement officers; exempt from concealed firearms permit fees and renewal fees.	
HB0949	Solid waste landfills; prohibit new landfill in county where 2 or more exist, unless referendum held.	
HB0955	Abandoned mobile homes; establish a procedure to dispose of.	
HB1018	"Gary T. Hargrove Memorial Forensic Laboratory."	
HB1034	Uniform Controlled Substances Act; revise schedules.	

HB/SB Page

HB1137 Ad valorem tax; revise certain provisions regarding the determination of true value of land used for agricultural purposes.

HB1177 General laws and journals of legislative sessions; copies of not provided to certain recipients of unless specifically requested.

HB1195 Electric bicycles; regulate.

HB1213 State Personnel Board; require exempted agencies' reports to include quantifiable data and to be sent to SPB, PEER and LBO.

HB1230 Mississippi Development Authority; allow businesses located on tribal lands to be eligible for certain discretionary programs.

HB1284 Department of Revenue License Tag Acquisition Fund; revise certain provisions regarding.

HB1288 Charter vessel operator's permit; create to authorize the sale of alcoholic beverages by the holder of.

HB1302 Charter vessel operator's permit; create to authorize the sale of alcoholic beverages by the holder of.

SB2021 Coordinator of Mental Health Accessibility; house position under DFA, exempt contracts from rules of contract review board.

SB2075 State parks; change name of Natchez State Park to "Bob M. Dearing Natchez State Park."

SB2076 Mississippi Fair Commission; remove repealer and revise advisory council composition.

SB2098 State Board of Funeral Service; extend repealer on.

SB2119 Pseudoephedrine and ephedrine; authorize sales and purchase of certain products containing without a prescription.

SB2149 MAEP; Department of Education required to hold harmless school district from calculating 2020-2021 average daily attendance.

SB2165 Veterans Service Officers; revise certain qualifications and requirements.

SB2189 Counties and municipalities; authorize to offer Medicare-eligible employees supplemental compensation if employees secure Medicare.

SB2204 Revised LLC Act and MS Registered Agents Act; require listing of registered agent's email address.

SB2221 Mississippi Dementia Care Program, Food Bank Pilot Programming; create.

SB2253 Concealed carry weapons permit; combine with driver's license or identification card.

SB2282 Youth detention; raise minimum age for youth commitment to state training school and secure detention.

SB2293 Claims by veterans under consumer protection law; Mississippi Veterans Affairs Board offers service free of charge.

SB2324 Bad Faith Assertions of Patent Infringement; extend repealer on.

SB2332 Comprehensive Hurricane Damage Mitigation Program; extend repealer on development and implementation of program.

HB/SB Page

SB2521 Mississippi Advantage Jobs Act; revise definition of "new direct job" for incentive applicants from and after July 1, 2010.
SB2536 Athletics; provide that schools designate teams by biological sex.
SB2809 Public records; extend repealer on provision requiring public access to records.

ALCOHOLIC BEVERAGES
Charter vessel operator's permit created. **HB 1288**
ALL FUELS ACT OF 2021
Prohibition of connection or reconnection of utility service based on type or source of energy prohibited. **HB 632**
ALZHEIMER'S DISEASE OR RELATED DEMENTIA
Jimmy Kaigler Alzheimer's Support Act, enacted, creating dementia care program within department of human services. **SB 2221**
BICYCLES
Electric bicycles regulated. **HB 1195**
COLLEGES AND UNIVERSITIES
Designation of athletic teams according to biological sex. **SB 2536**
DRIVERS' LICENSES
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
DRUGS AND CONTROLLED SUBSTANCES
Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**
FIREARMS AND OTHER WEAPONS
Concealed weapons license issuance to active duty law enforcement officers and exemption for officers from license fees. **HB 886**
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
Law enforcement officer permitted to retain sidearm as personal property upon retirement. **HB 508**
FLAGS
New state flag design selected and approved. **HB 1**
HOME INSPECTORS
Criminal background check added as requirement of licensure. **HB 352**
IDENTIFICATION CARDS
Concealed weapons license notation on driver's license or identification card in lieu of issuance of separate license. **SB 2253**
Tribal identification cards as legal form of personal identification. **HB 277**
LIBRARIES
School library provisions repealed. **HB 487**
MANUFACTURED AND MOBILE HOMES

Disposition of abandoned homes. **HB 955**

MOTOR VEHICLES

Dealers and manufacturers, obligations regarding rates for parts and labor on motor vehicle warranty work. **HB 746**

Electric bicycles regulated. **HB 1195**

NATIVE AMERICANS

Tribal identification cards as legal form of personal identification. **HB 277**

PHARMACISTS AND PHARMACIES

Pseudoephedrine or ephedrine products, quantity authorized for sale without prescription. **SB 2119**

PUBLIC UTILITIES

Prohibition of connection or reconnection of service based on type or source of energy prohibited. **HB 632**

SCHOOLS AND EDUCATION

Designation of athletic teams according to biological sex. **SB 2536**

TELEMEDICINE

Revision of requirements for remote patient monitoring services. **HB 200**

VETERANS

Veterans affairs board authorization to move Persian Gulf War Memorial to another location. **HB 189**

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
1-3-27	Brought forward		hb0429	2	1
1-3-41	Brought forward		hb0429	3	1
1-3-42	Added		hb0277	1	1
1-5-7	Amended		hb1177	1	1
3-3-16	Added		hb0001	1	1
3-7-1	Amended		hb1326	1	2
17-17-227	Amended		hb0949	1	1
17-17-229	Amended		hb0949	2	1
17-17-237	Added		hb0949	3	1
17-17-403	Amended		hb1195	2	1
19-3-85	Amended		hb0955	13	1
19-5-303	Reenacted		hb0074	1	1
19-5-313	Reenacted		hb0074	2	1
19-5-319	Reenacted		hb0074	3	1
19-5-331	Reenacted		hb0074	4	1
19-5-333	Reenacted		hb0074	5	1
19-5-335	Reenacted		hb0074	6	1
19-5-337	Reenacted		hb0074	7	1
19-5-339	Reenacted		hb0074	8	1
19-5-341	Reenacted		hb0074	9	1
19-5-353	Reenacted		hb0074	10	1
19-5-357	Reenacted		hb0074	11	1
19-5-359	Reenacted		hb0074	12	1
19-5-361	Reenacted		hb0074	13	1
19-5-371	Amended		hb0074	14	1
19-7-31	Amended		sb2630	1	2
21-23-7	Amended		hb0354	1	1
21-37-3	Amended		hb1195	3	1
23-15-213	Amended		hb1048	2	2
23-15-299	Amended		hb1048	1	2
23-15-309	Brought Forward		hb1048	3	2
23-15-977	Amended		hb1048	4	2
23-17-42	Added		hb1177	2	1
25-1-87	Amended		hb0974	20	2
25-9-107	Amended		hb0069	1	1
25-9-127	Amended		hb1213	1	1
25-15-103	Amended		sb2189	1	1
25-15-409	Amended		sb2336	1	2
25-41-3	Brought forward		hb1323	2	2
25-41-7	Amended		hb1323	1	2
25-61-5	Amended		sb2809	1	1
25-61-9	Brought forward		sb2827	2	2
27-3-51	Amended		hb0516	1	1
27-4-3	Amended		sb2606	15	2
27-7-17	Amended		hb1356	1	2
27-19-3	Amended		hb1195	4	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
27-19-3	Amended		sb2605	4	2
27-19-11	Amended		hb0628	1	2
27-19-31	Amended		hb0519	1	1
27-19-99	Amended		hb1284	1	1
27-19-155	Amended		hb1284	2	1
27-19-179	Amended		hb1284	3	1
27-31-1	Amended		hb1420	1	2
27-35-50	Amended		hb1137	1	1
27-35-143	Amended		hb0425	1	2
27-43-3	Amended		sb2643	1	2
27-45-5	Brought forward		sb2643	2	2
27-51-5	Amended		hb1195	5	1
27-51-5	Amended		sb2605	5	2
27-71-5	Amended		hb1288	2	1
27-71-5	Amended		sb2606	16	2
27-71-7	Amended		sb2606	17	2
27-71-21	Amended		sb2606	18	2
27-77-1	Amended		sb2606	19	2
27-77-17	Amended		sb2606	20	2
27-104-7	Amended		sb2021	3	1
27-104-7	Amended		hb0974	7	2
27-104-205	Amended		hb1284	4	1
27-104-205	Amended		hb0106	7	2
27-115-73	Amended		hb0277	3	1
29-5-69	Amended		hb0974	21	2
29-5-77	Repealed		hb0974	23	2
31-7-13.2	Amended		sb2827	1	2
31-7-124	Amended		hb0357	1	1
35-1-43	Amended		hb0189	1	1
35-3-21	Amended		sb2165	1	1
37-3-2	Amended		hb1263	2	2
37-5-9	Brought Forward		hb1048	5	2
37-13-171	Amended		hb0633	8	2
37-17-3	Amended		hb0504	1	2
37-19-7	Amended		hb0852	1	2
37-19-7	Amended		hb1047	1	2
37-21-7	Amended		hb0852	2	2
37-21-51	Amended		hb1123	1	2
37-55-5	Repealed		hb0487	1	1
37-151-103	Amended		sb2149	1	1
37-159-1	Amended		hb0135	1	1
37-159-5	Reenacted		hb0135	2	1
37-159-7	Amended		hb0135	3	1
37-159-9	Reenacted		hb0135	4	1
37-159-11	Reenacted		hb0135	5	1
37-159-13	Reenacted		hb0135	6	1
37-159-17	Reenacted		hb0135	7	1
37-159-19	Amended		hb0135	8	1
39-3-21	Amended		hb0488	1	2
39-3-369	Brought forward		hb0488	2	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
41-3-1.1	Reenacted		hb0160	1	2
41-3-3	Reenacted		hb0160	2	2
41-3-4	Reenacted		hb0160	3	2
41-3-5.1	Reenacted		hb0160	4	2
41-3-6	Reenacted		hb0160	5	2
41-3-15	Reenacted		hb0160	6	2
41-3-16	Reenacted		hb0160	7	2
41-3-17	Reenacted		hb0160	8	2
41-3-18	Reenacted		hb0160	9	2
41-3-19	Reenacted		hb0160	10	2
41-3-20	Amended		hb0160	11	2
41-7-191	Amended		hb0160	12	2
41-20-3	Amended		sb2021	1	1
41-20-7	Amended		sb2021	2	1
41-29-112	Amended		hb0974	6	2
41-29-113	Amended		hb1034	1	1
41-29-115	Amended		hb1034	2	1
41-29-117	Amended		sb2119	2	1
41-29-119	Amended		hb1034	3	1
41-29-137	Amended		hb0294	2	2
41-29-137.1	Amended		hb0294	1	2
41-37-25	Amended		hb0286	2	1
41-39-117	Amended		hb0286	3	1
41-61-53	Amended		hb0974	8	2
41-61-55	Amended		hb0974	9	2
41-61-65	Amended		hb0974	10	2
41-61-66	Added		hb0070	1	2
41-61-75	Amended		sb2419	1	2
41-61-75	Amended		hb0974	11	2
41-61-77	Amended		hb0974	12	2
41-85-7	Amended		hb0294	3	2
43-1-23	Amended		hb0087	1	2
43-17-5	Amended		sb2759	1	2
43-21-605	Amended		sb2282	1	1
43-33-729	Amended		hb0500	1	2
45-1-2	Amended		hb0974	1	2
45-1-3	Amended		hb0974	3	2
45-1-6	Amended		hb0974	5	2
45-3-9	Amended		hb0974	13	2
45-3-45	Amended		hb0974	14	2
45-6-3	Amended		hb0974	4	2
45-9-101	Amended		hb0886	1	1
45-9-101	Amended		sb2253	1	1
45-9-101	Amended		hb0277	4	1
45-33-43	Amended		hb0550	1	2
45-35-13	Amended		hb0277	16	1
45-49-3	Amended		hb0511	1	2
47-5-157	Amended		hb0551	7	2
47-7-33.1	Amended		hb0551	8	2
49-7-3	Amended		hb0277	5	1
49-15-63	Amended		hb1211	10	2
49-15-323	Amended		hb1211	9	2
49-15-401	Amended		hb1211	1	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
49-15-403	Amended		hb1211	2	2
49-15-405	Amended		hb1211	3	2
49-15-407	Amended		hb1211	4	2
49-15-409	Amended		hb1211	5	2
49-15-411	Amended		hb1211	6	2
49-15-413	Amended		hb1211	7	2
49-15-415	Amended		hb1211	8	2
53-11-3	Amended		sb2648	1	2
53-11-5	Amended		sb2648	2	2
53-11-7	Amended		sb2648	3	2
53-11-23	Amended		sb2648	4	2
57-1-16	Amended		hb1230	1	1
57-1-221	Amended		hb1230	2	1
57-62-5	Amended		sb2521	1	1
57-93-1	Amended		hb1230	3	1
57-105-1	Amended		hb0499	1	1
59-11-3	Amended		sb2392	1	2
63-1-5	Amended		hb0550	2	2
63-1-7	Amended		sb2785	1	2
63-1-9	Amended		hb0550	3	2
63-1-10.1	Amended		hb0550	4	2
63-1-21	Amended		hb0550	5	2
63-1-23	Amended		hb0550	6	2
63-1-35	Amended		sb2294	1	2
63-1-35	Amended		hb0550	7	2
63-1-43	Amended		hb0550	8	2
63-1-47	Amended		hb0550	9	2
63-3-103	Amended		hb1195	6	1
63-3-519	Amended		sb2788	1	2
63-3-1315	Added		hb1195	1	1
63-15-3	Amended		hb1195	7	1
63-17-55	Amended		hb0746	1	1
63-17-55	Amended		hb1195	8	1
63-17-85	Amended		hb0746	2	1
63-17-86	Added		hb0746	3	1
63-17-155	Amended		sb2605	6	2
63-17-155	Amended		hb1195	9	1
63-19-3	Amended		hb1195	10	1
63-21-5	Amended		hb1195	11	1
63-21-17	Amended		hb0510	1	1
63-21-39	Amended		hb0277	6	1
63-31-3	Amended		hb1195	12	1
65-37-1	Amended		hb0576	1	2
65-37-3	Amended		hb0576	2	2
65-37-7	Amended		hb0576	3	2
65-37-11	Amended		hb0576	4	2
65-37-15	Amended		hb0576	5	2
67-1-5	Amended		sb2606	7	2
67-1-7	Amended		sb2606	8	2
67-1-13	Amended		sb2606	9	2
67-1-31	Amended		hb0512	1	2
67-1-32	Added		hb0508	1	1
67-1-37	Amended		sb2606	10	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
67-1-41	Amended		sb2606	11	2
67-1-45	Amended		sb2606	12	2
67-1-51	Amended		hb1288	1	1
67-1-51	Amended		sb2606	13	2
67-1-73	Amended		sb2606	14	2
67-1-83	Amended		hb0667	1	2
67-3-7	Amended		hb0945	1	2
67-3-9	Amended		hb0945	2	2
67-3-69	Amended		hb0277	7	1
67-11-1	Added		sb2606	1	2
67-11-3	Added		sb2606	2	2
67-11-5	Added		sb2606	3	2
67-11-7	Added		sb2606	4	2
67-11-9	Added		sb2606	5	2
67-11-11	Added		sb2606	6	2
69-5-1	Amended		sb2076	1	1
69-5-3	Reenacted		sb2076	2	1
69-5-7	Reenacted		sb2076	3	1
69-5-8	Reenacted		sb2076	4	1
69-5-11	Reenacted		sb2076	5	1
69-5-13	Reenacted		sb2076	6	1
69-5-15	Reenacted		sb2076	7	1
69-5-27	Reenacted		sb2076	8	1
69-5-29	Reenacted		sb2076	9	1
69-5-31	Reenacted		sb2076	10	1
69-5-33	Repealed		sb2076	11	1
69-7-101	Amended		hb0312	1	1
69-7-103	Repealed		hb0312	6	1
69-7-105	Repealed		hb0312	7	1
69-7-107	Repealed		hb0312	8	1
69-7-109	Amended		hb0312	2	1
69-7-111	Repealed		hb0312	9	1
69-7-113	Amended		hb0312	3	1
69-7-115	Amended		hb0312	4	1
69-7-117	Repealed		hb0312	10	1
69-7-119	Repealed		hb0312	11	1
69-7-121	Amended		hb0312	5	1
71-5-11	Amended		sb2124	1	1
71-5-355	Amended		sb2124	5	1
71-5-363	Amended		sb2124	3	1
71-5-365	Amended		sb2124	2	1
71-5-389	Amended		sb2124	4	1
71-5-506	Amended		hb0509	1	1
73-1-21	Amended		hb1263	3	2
73-2-11	Amended		hb1263	4	2
73-4-23	Amended		hb1263	5	2
73-5-21	Amended		hb1263	6	2
73-6-1	Reenacted		hb0073	1	1
73-6-3	Reenacted		hb0073	2	1
73-6-5	Reenacted		hb0073	3	1
73-6-7	Reenacted		hb0073	4	1
73-6-9	Reenacted		hb0073	5	1
73-6-11	Reenacted		hb0073	6	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-6-13	Reenacted		hb0073	7	1
73-6-13	Amended		hb1263	7	2
73-6-14	Reenacted		hb0073	8	1
73-6-15	Amended		hb0073	9	1
73-6-17	Reenacted		hb0073	10	1
73-6-18	Reenacted		hb0073	11	1
73-6-19	Reenacted		hb0073	12	1
73-6-23	Reenacted		hb0073	13	1
73-6-25	Reenacted		hb0073	14	1
73-6-27	Reenacted		hb0073	15	1
73-6-29	Reenacted		hb0073	16	1
73-6-31	Reenacted		hb0073	17	1
73-6-33	Amended		hb0073	18	1
73-7-23	Amended		hb1263	8	2
73-9-24	Amended		hb1263	9	2
73-10-15	Amended		hb1263	10	2
73-11-33	Amended		sb2098	21	1
73-11-41	Reenacted		sb2098	1	1
73-11-43	Reenacted		sb2098	2	1
73-11-45	Reenacted		sb2098	3	1
73-11-47	Reenacted		sb2098	4	1
73-11-49	Reenacted		sb2098	5	1
73-11-51	Reenacted		sb2098	6	1
73-11-51	Amended		hb1263	11	2
73-11-53	Reenacted		sb2098	7	1
73-11-55	Reenacted		sb2098	8	1
73-11-56	Reenacted		sb2098	9	1
73-11-57	Reenacted		sb2098	10	1
73-11-57.1	Reenacted		sb2098	11	1
73-11-58	Reenacted		sb2098	12	1
73-11-59	Reenacted		sb2098	13	1
73-11-61	Reenacted		sb2098	14	1
73-11-63	Reenacted		sb2098	15	1
73-11-65	Reenacted		sb2098	16	1
73-11-67	Reenacted		sb2098	17	1
73-11-69	Amended		sb2098	18	1
73-11-71	Reenacted		sb2098	19	1
73-11-73	Reenacted		sb2098	20	1
73-13-35	Amended		hb1263	12	2
73-14-25	Amended		hb1263	13	2
73-15-19	Amended		hb1263	14	2
73-15-21	Amended		hb1263	15	2
73-17-11	Amended		hb1263	16	2
73-19-1	Amended		hb1302	1	1
73-19-25	Amended		hb1263	17	2
73-19-27	Amended		hb1302	2	1
73-19-157	Amended		hb1302	3	1
73-21-73	Amended		sb2750	1	2
73-21-87	Amended		hb1263	18	2
73-23-51	Amended		hb1263	19	2
73-23-53	Amended		hb1263	20	2
73-24-21	Amended		hb1263	21	2
73-25-21	Amended		hb1263	22	2

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
73-25-38	Amended		hb0072	1	1
73-27-5	Amended		hb1263	23	2
73-29-19	Amended		hb1263	24	2
73-30-15	Amended		hb1263	25	2
73-31-1	Reenacted		hb0208	1	1
73-31-3	Reenacted		hb0208	2	1
73-31-5	Amended		hb0208	3	1
73-31-7	Reenacted		hb0208	4	1
73-31-9	Reenacted		hb0208	5	1
73-31-11	Reenacted		hb0208	6	1
73-31-13	Amended		hb0208	7	1
73-31-14	Reenacted		hb0208	8	1
73-31-14	Amended		hb1263	26	2
73-31-15	Reenacted		hb0208	9	1
73-31-15	Amended		hb1263	27	2
73-31-17	Reenacted		hb0208	10	1
73-31-19	Reenacted		hb0208	11	1
73-31-21	Reenacted		hb0208	12	1
73-31-23	Reenacted		hb0208	13	1
73-31-25	Reënacted		hb0208	14	1
73-31-27	Reenacted		hb0208	15	1
73-31-29	Reenacted		hb0208	16	1
73-31-31	Amended		hb0208	17	1
73-33-9	Amended		hb1263	28	2
73-34-51	Amended		hb1263	29	2
73-35-7	Amended		hb1263	30	2
73-35-13	Amended		hb1263	31	2
73-36-31	Amended		hb1263	32	2
73-38-23	Amended		hb1263	33	2
73-39-71	Amended		hb1263	34	2
73-50-2	Added		hb1263	1	2
73-53-13	Amended		hb1263	35	2
73-54-23	Amended		sb2420	1	2
73-54-23	Amended		hb1263	36	2
73-60-11	Amended		hb0352	2	1
73-60-25	Amended		hb1263	37	2
73-60-31	Amended		hb0352	3	1
73-60-47	Added		hb0352	1	1
73-63-39	Amended		hb1263	38	2
73-65-7	Amended		hb1263	39	2
73-67-15	Amended		sb2751	1	2
73-67-17	Amended		sb2751	2	2
73-67-19	Amended		sb2751	3	2
73-67-21	Amended		sb2751	4	2
73-67-25	Amended		hb1263	40	2
73-67-35	Amended		sb2751	5	2
73-67-39	Amended		sb2751	6	2
73-69-11	Amended		hb1263	41	2
73-71-21	Amended		hb1263	42	2
73-73-11	Amended		hb1263	43	2
73-75-15	Amended		hb1263	44	2
75-9-503	Amended		hb0277	8	1
75-24-15	Amended		sb2293	1	1

CUMULATIVE ALLOCATION OF ACTS TABLE

MS Code Section	Action	Chapter No.	HB No./SB No.	Sec. No.	Pamphlet No.
75-24-29	Amended		hb0277	9	1
75-24-351	Reenacted		sb2324	1	1
75-24-353	Reenacted		sb2324	2	1
75-24-355	Reenacted		sb2324	3	1
75-24-357	Reenacted		sb2324	4	1
75-24-359	Amended		sb2324	5	1
75-67-305	Amended		hb0277	10	1
75-67-403	Reenacted		hb1075	20	2
75-67-505	Reenacted		hb1075	21	2
75-67-601	Reenacted		hb1075	1	2
75-67-603	Reenacted		hb1075	2	2
75-67-605	Reenacted		hb1075	3	2
75-67-607	Reenacted		hb1075	4	2
75-67-609	Reenacted		hb1075	5	2
75-67-611	Reenacted		hb1075	6	2
75-67-613	Reenacted		hb1075	7	2
75-67-615	Reenacted		hb1075	8	2
75-67-617	Reenacted		hb1075	9	2
75-67-619	Reenacted		hb1075	10	2
75-67-621	Reenacted		hb1075	11	2
75-67-623	Reenacted		hb1075	12	2
75-67-625	Reenacted		hb1075	13	2
75-67-627	Reenacted		hb1075	14	2
75-67-629	Reenacted		hb1075	15	2
75-67-631	Reenacted		hb1075	16	2
75-67-633	Reenacted		hb1075	17	2
75-67-635	Reenacted		hb1075	18	2
75-67-637	Reenacted		hb1075	19	2
75-67-639	Amended		hb1075	22	2
75-95-5	Amended		hb0277	11	1
77-3-721	Amended		hb0100	1	1
79-4-7.01	Amended		sb2626	1	2
79-4-7.02	Amended		sb2626	2	2
79-4-7.05	Amended		sb2626	3	2
79-29-215	Amended		sb2204	5	1
79-35-5	Amended		sb2204	1	1
79-35-6	Amended		sb2204	2	1
79-35-9	Amended		sb2204	3	1
79-35-10	Amended		sb2204	4	1
83-1-191	Amended		sb2332	1	1
83-9-353	Amended		hb0200	1	1
83-11-551	Amended		sb2603	1	2
93-1-5	Amended		hb0277	12	1
93-19-13	Amended		hb0429	1	1
93-21-107	Amended		hb0695	1	1
93-29-13	Amended		hb0277	13	1
97-7-77	Added		hb0277	2	1
97-17-71	Amended		hb0277	14	1
97-19-85	Amended		sb2294	2	2
97-45-1	Amended		hb0277	15	1
99-15-107	Amended		sb2552	1	2

Mississippi Legislature
2021 Regular Session

House Bill 1

Description: State flag; shall be the design recommended by the Commission to Redesign the State Flag and approved in the November 2020 election.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/05	(H) Referred To Rules
2	01/05	(H) Title Suff Do Pass
3	01/05	(H) Passed {Vote}
4	01/05	(H) Immediate Release
5	01/05	(H) Transmitted To Senate
6	01/05	(S) Referred To Rules
7	01/05	(S) Title Suff Do Pass
8	01/06	(S) Passed {Vote}
9	01/06	(S) Immediate Release
10	01/06	(S) Returned For Enrolling
11	01/06	(H) Enrolled Bill Signed
12	01/06	(S) Enrolled Bill Signed
13	01/11	Approved by Governor

----- Additional Information -----

House Committee: Rules
Senate Committee: Rules

Principal Author: Gunn
Additional Authors: Reynolds, McGee, Scott, Johnson, Hines, Creekmore IV, Gibbs (72nd), Crudup, Holloway, Summers, Stamps, Karriem, Faulkner, Mickens, Gibbs (36th), Watson, Clark, Bennett, Owen, McCarty

Title: AN ACT TO CREATE NEW SECTION 3-3-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI SHALL BE THE DESIGN RECOMMENDED BY THE COMMISSION TO REDESIGN THE MISSISSIPPI STATE FLAG AND APPROVED BY THE PEOPLE IN THE STATEWIDE ELECTION HELD ON NOVEMBER 3, 2020; TO PROVIDE A DESCRIPTION OF THE DESIGN OF THE STATE FLAG AND A STATEMENT OF

WHAT THE ARTWORK AND COLORS OF THE DESIGN REPRESENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Gunn, Reynolds, McGee, Scott, Johnson, Hines, Creekmore IV, Gibbs (72nd), Crudup, Holloway, Summers, Stamps, Karriem, Faulkner, Mickens, Gibbs (36th), Watson, Clark, Bennett, Owen, McCarty

To: Rules

HOUSE BILL NO. 1

AN ACT TO CREATE NEW SECTION 3-3-16, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICIAL FLAG OF THE STATE OF MISSISSIPPI SHALL BE THE DESIGN RECOMMENDED BY THE COMMISSION TO REDESIGN THE MISSISSIPPI STATE FLAG AND APPROVED BY THE PEOPLE IN THE STATEWIDE ELECTION HELD ON NOVEMBER 3, 2020; TO PROVIDE A DESCRIPTION OF THE DESIGN OF THE STATE FLAG AND A STATEMENT OF WHAT THE ARTWORK AND COLORS OF THE DESIGN REPRESENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 3-3-16, Mississippi Code of 1972:

3-3-16. (1) The official flag of the State of Mississippi is the design recommended by the Commission to Redesign the Mississippi State Flag that was established by Chapter 427, Laws of 2020, and approved by the people of the State of Mississippi in the statewide election held on November 3, 2020, which is described as follows:

The vertical height is seventy-two (72) units and the horizontal length is one hundred twenty (120) units (dimensions 3:5, but variable), with two (2) vertical bars at the hoist and the fly, the outer bars being twenty-five (25) units wide in Old

Glory Red (Pantone red 200) and the inner bars being five (5) units wide in Old Gold (Pantone gold 7563). The vertical bars flank a central panel sixty (60) units wide in Old Glory Blue (Pantone blue 282), and in the center of the panel is the artwork that is two-thirds (2/3) the height of the flag or forty-eight (48) units. The artwork is comprised of the stylized white magnolia blossom with a stamen in Old Gold that was adopted by the commission, surrounded by an array of twenty (20) white five-point stars in a circle, with ten (10) of the stars flanking the magnolia at the hoist side and ten (10) of the stars flanking the magnolia at the fly side. At the top of the circle is a five-point segmented star in Old Gold, and at the bottom of and joined into the circle is the motto "IN GOD WE TRUST" in all capital letters and in Americana font.

(2) The Magnolia is the state flower of Mississippi and is a symbol that has long represented our state and the hospitality of our citizens, and also represents our state's sense of hope and rebirth as the Magnolia often blooms more than once and has a long blooming season. The circle of twenty (20) stars represents Mississippi as the twentieth state of the United States of America and the circle is anchored at the top by the gold five-point star, which represents our first peoples, the indigenous Native American tribes of the land that would become Mississippi, and also represents Africa, the Americas, Asia, Australia/Oceania and Europe, which are the five (5) inhabited areas of the world from

which all Mississippians originate. The color blue in the center panel echoes the blue of the American flag, representing vigilance, justice and perseverance, and the red bars represent the hardiness and valor of our citizens. The gold bars and the gold stamen of the Magnolia represent the rich cultural history of Mississippi, specifically the visual arts, literature, music and performing arts that have originated in our state.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 8

Description: UMMC property; revise leasing authority by removing certain minimum requirements of improvements to development.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/05	(H) Referred To Public Property
2	01/26	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/16	(S) Referred To Public Property
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/18	Approved by Governor

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Gunn
Additional Authors: Ford (73rd), Yates, Newman, Holloway, Crudup

Title: AN ACT TO AMEND SECTION 1, CHAPTER 456, LAWS OF 2014, WHICH AUTHORIZED THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, WITH THE APPROVAL OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO LEASE A CERTAIN PORTION OF ITS PROPERTY THAT IS LOCATED IN THE CITY OF JACKSON, MISSISSIPPI, FOR A TERM OF NO MORE THAN 40 YEARS, TO REVISE THE LEASING AUTHORITY BY REMOVING THE REQUIREMENTS THAT SUCH REAL PROPERTY SHALL CONSIST OF MIXED-USED DEVELOPMENT IMPROVEMENT AND THE MINIMUM SQUARE FOOTAGE OF DESIGNATED STREET-LEVEL OFFICE SPACE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 8

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Gunn, Ford (73rd), Yates, Newman, Holloway, Crudup

To: Public Property

HOUSE BILL NO. 8

AN ACT TO AMEND SECTION 1, CHAPTER 456, LAWS OF 2014, WHICH AUTHORIZED THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER, WITH THE APPROVAL OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, TO LEASE A CERTAIN PORTION OF ITS PROPERTY THAT IS LOCATED IN THE CITY OF JACKSON, MISSISSIPPI, FOR A TERM OF NO MORE THAN 40 YEARS, TO REVISE THE LEASING AUTHORITY BY REMOVING THE REQUIREMENTS THAT SUCH REAL PROPERTY SHALL CONSIST OF MIXED-USED DEVELOPMENT IMPROVEMENT AND THE MINIMUM SQUARE FOOTAGE OF DESIGNATED STREET-LEVEL OFFICE SPACE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 1, Chapter 456, Laws of 2014, is amended as follows:

Section 1. (1) The University of Mississippi Medical Center ("UMMC"), with the approval of the Board of Trustees of State Institutions of Higher Learning, is authorized to enter into an agreement to lease a part of its real property to the entity selected in the RFP process conducted by the University of Mississippi Medical Center for a term of no more than forty (40) years. The property is located in the City of Jackson, Hinds County, Mississippi, and is more particularly described as follows:

A parcel of land situated in the Northwest 1/4 of Section 26, Township 6 North, Range 1 East, City of Jackson, First Judicial District of Hinds County, Mississippi, and being more particularly described by metes and bounds as follows, to wit:

Commence at the Southwest corner of Lot 19 of Odeneal Survey, a subdivision, the map or plat of which is recorded in Surveyor's Record A at Page 256 of the Chancery Records of Hinds County at Jackson, Mississippi, and run thence South 00° 20' 46" East for a distance of 16.52 feet along the southern extension of the western line of the said Lot 19 to the northern right-of-way line of Lakeland Drive; thence run South 89° 54' 58" East for a distance of 155.00 feet along the said northern right-of-way line to the POINT OF BEGINNING for the parcel herein described; thence continue South 89° 54' 58" East for a distance of 269.29 feet along the said northern right-of-way line to the southwest corner of River View Park, a subdivision, the map or plat of which is recorded in Plat Book 8 at Page 36 of the said Chancery Records of Hinds County; thence continue South 89° 54' 58" East for a distance of 210.00 feet along the said northern right-of-way line of Lakeland Drive to a 5/8" iron pin set; thence leave said northern right-of-way line of Lakeland Drive and run

North 00° 33' 57" East for a distance of 225.87 feet to a 5/8" iron pin set at the northern line of the said Lot 19 of Odeneal Survey; thence North 89° 55' 38" West for a distance of 29.78 feet along the said northern line of Lot 19 to a 5/8" iron pin set; thence leave said northern line of Lot 19 and run North 00° 06' 13" East for a distance of 127.07 feet along an existing fence line to a 5/8" iron pin set; thence North 01° 49' 08" East for a distance of 94.49 feet along an existing fence line to a 5/8" iron pin set at the centerline of a 24 foot wide alley; thence North 89° 58' 33" West for a distance of 402.70 feet along the said centerline of a 24-foot-wide alley to a 5/8" iron pin set; thence leave said centerline and run South 00° 02' 25" West for a distance of 227.66 feet to a 5/8" iron pin set at the northern edge of a concrete wall; thence North 89° 28' 00" West for a distance of 52.75 feet along the said northern edge of a concrete wall to a 5/8" iron pin set; thence leave said northern edge of a concrete wall and run South 00° 09' 58" East for a distance of 219.70 feet to the POINT OF BEGINNING, containing 4.5188 acres (196,838 square feet) more or less.

(2) The lease may include an option to renew for no more than two (2) successive terms of twenty (20) years each. The

first option to renew shall be at the option of the lessee, while the second option to renew shall be at the option of the lessor.

(3) The lease of the real property described in subsection (1) of this section shall consist of * * * improvements, which, at a minimum contain:

* * *

(* * *a) * * * Two hundred twenty-four (224) Class A apartment homes;

(* * *b) Structured and surface parking; and

(* * *c) Landscaping and green space buffers.

The faculty, staff and student body of UMMC shall have the right of first offer for the apartment homes developed within the leased area before being made available to the public.

(4) The lease and any amendments to the lease shall be subject to the approval of the Board of Trustees of State Institutions of Higher Learning.

(5) All proceeds derived or received from all leases entered into under this section shall be deposited in a special fund for the use and benefit of UMMC.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 9

Description: MS Law Enforcement Officers' Training Academy; name firing range as the "Lieutenant Colonel Pat Cronin Firing Range."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/05	(H) Referred To Public Property
2	01/26	(H) Title Suff Do Pass As Amended
3	02/04	(H) Amended
4	02/04	(H) Passed As Amended {Vote}
5	02/05	(H) Transmitted To Senate
6	02/16	(S) Referred To Public Property
7	03/02	(S) Title Suff Do Pass
8	03/09	(S) Passed {Vote}
9	03/10	(S) Returned For Enrolling
10	03/11	(H) Enrolled Bill Signed
11	03/12	(S) Enrolled Bill Signed
12	03/17	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Gunn
Additional Authors: Williamson, Newman, Holloway

Title: AN ACT TO RENAME THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY FIRING RANGE IN PEARL, RANKIN COUNTY, MISSISSIPPI, THE "LIEUTENANT COLONEL PAT CRONIN FIRING RANGE"; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN CONJUNCTION WITH THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, TO ERECT THE PROPER LETTERING OR SIGNAGE ON THE OUTDOOR FACADE OF THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY

FIRING RANGE DISPLAYING THE OFFICIAL NAME AS THE "LIEUTENANT COLONEL PAT CRONIN FIRING RANGE"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 9

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Gunn, Williamson, Newman, Holloway

To: Public Property

HOUSE BILL NO. 9
(As Passed the House)

AN ACT TO RENAME THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY FIRING RANGE IN PEARL, RANKIN COUNTY, MISSISSIPPI, THE "LIEUTENANT COLONEL PAT CRONIN FIRING RANGE"; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN CONJUNCTION WITH THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY, TO ERECT THE PROPER LETTERING OR SIGNAGE ON THE OUTDOOR FACADE OF THE MISSISSIPPI LAW ENFORCEMENT OFFICERS' TRAINING ACADEMY FIRING RANGE DISPLAYING THE OFFICIAL NAME AS THE "LIEUTENANT COLONEL PAT CRONIN FIRING RANGE"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) The firing range of the Mississippi Law Enforcement Officers' Training Academy, which is established under authority of Section 45-5-5, Mississippi Code of 1972, and located within Pearl, Rankin County, Mississippi, under the jurisdiction of the Mississippi Department of Public Safety, shall be renamed the "Lieutenant Colonel Pat Cronin Firing Range."

(2) The Department of Finance and Administration shall prepare or have prepared a distinctive plaque to be placed in a prominent place within the Lieutenant Colonel Pat Cronin Firing Range of the Mississippi Law Enforcement Officers' Training Academy that states the background, accomplishments and service to

the state of retired Lieutenant Colonel Pat Cronin. The Department of Finance and Administration, in conjunction with the Mississippi Department of Public Safety, shall erect or cause to be erected proper lettering or signage on the outdoor facade of the firing range displaying the official name of the firing range as the "Lieutenant Colonel Pat Cronin Firing Range." The Department of Finance and Administration may expend all funds necessary to accomplish this act from funds appropriated by the Legislature for such purpose.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 69

Description: State Veterans Affairs Board; provide that certain employees of are nonstate service employees under state personnel system.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/07	(H) Referred To Appropriations
2	01/07	(H) Title Suff Do Pass
3	01/07	(H) Passed {Vote}
4	01/07	(H) Immediate Release
5	01/07	(H) Transmitted To Senate
6	01/08	(S) Referred To Appropriations
7	01/19	(S) Title Suff Do Pass As Amended
8	01/20	(S) Amended
9	01/20	(S) Passed As Amended {Vote}
10	01/21	(S) Returned For Concurrence
11	01/21	(H) Concurred in Amend From Senate {Vote}
12	01/21	(H) Immediate Release
13	01/21	(H) Enrolled Bill Signed
14	01/22	(S) Enrolled Bill Signed
15	01/28	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
[S] Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 69

Code Section: A 025-0009-0107

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Appropriations

Principal Author: Carpenter
Additional Authors: Barnett, Ford (73rd), Steverson, Williamson

2021 GENERAL LAWS OF MISSISSIPPI HB 69

Title: AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE 1972, TO REVISE THE TERM "NONSTATE SERVICE" FOR PURPOSES OF THE STATE PERSONNEL SYSTEM TO INCLUDE EMPLOYEES, EXCLUDING ADMINISTRATIVE EMPLOYEES, OF THE STATE VETERANS AFFAIRS BOARD WHO ARE EMPLOYED AT VETERANS HOMES IN THE STATE; TO MAKE TECHNICAL AMENDMENTS REGARDING CONTRACTS FOR PERSONAL SERVICES TO CONFORM TO EXISTING LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Carpenter, Barnett, Ford (73rd), Steverson, Williamson To: Appropriations

HOUSE BILL NO. 69
(As Sent to Governor)

AN ACT TO AMEND SECTION 25-9-107, MISSISSIPPI CODE 1972, TO REVISE THE TERM "NONSTATE SERVICE" FOR PURPOSES OF THE STATE PERSONNEL SYSTEM TO INCLUDE EMPLOYEES, EXCLUDING ADMINISTRATIVE EMPLOYEES, OF THE STATE VETERANS AFFAIRS BOARD WHO ARE EMPLOYED AT VETERANS HOMES IN THE STATE; TO MAKE TECHNICAL AMENDMENTS REGARDING CONTRACTS FOR PERSONAL SERVICES TO CONFORM TO EXISTING LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-9-107, Mississippi Code of 1972, is amended as follows:

25-9-107. The following terms, when used in this chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(a) "Board" means the State Personnel Board created under the provisions of this chapter.

(b) "State service" means all employees of state departments, agencies and institutions as defined herein, except those officers and employees excluded by this chapter.

(c) "Nonstate service" means the following officers and employees excluded from the state service by this chapter. The following are excluded from the state service:

(i) Members of the State Legislature, their staff and other employees of the legislative branch;

(ii) The Governor and staff members of the immediate Office of the Governor;

(iii) Justices and judges of the judicial branch or members of appeals boards on a per diem basis;

(iv) The Lieutenant Governor, staff members of the immediate Office of the Lieutenant Governor and officers and employees directly appointed by the Lieutenant Governor;

(v) Officers and officials elected by popular vote and persons appointed to fill vacancies in elective offices;

(vi) Members of boards and commissioners appointed by the Governor, Lieutenant Governor or the State Legislature;

(vii) All academic officials, members of the teaching staffs and employees of the state institutions of higher learning, the Mississippi Community College Board, and community and junior colleges;

(viii) Officers and enlisted members of the National Guard of the state;

(ix) Prisoners, inmates, student or patient help working in or about institutions;

(x) Contract personnel; provided that any agency which employs state service employees may enter into contracts for personal and professional services only if such contracts are approved in compliance with the rules and regulations promulgated by the * * * Public Procurement Review Board under Section * * * 27-104-7. Before paying any warrant for such contractual services in excess of * * * Seventy-five Thousand Dollars ($75,000.00), the Auditor of Public Accounts, or the successor to those duties, shall determine whether the contract involved was for personal or professional services, and, if so, was approved by the * * * Public Procurement Review Board as required by law;

(xi) Part-time employees; provided, however, part-time employees shall only be hired into authorized employment positions classified by the board, shall meet minimum qualifications as set by the board, and shall be paid in accordance with the Variable Compensation Plan as certified by the board;

(xii) Persons appointed on an emergency basis for the duration of the emergency; the effective date of the emergency appointments shall not be earlier than the date approved by the State Personnel Director, and shall be limited to thirty (30) working days. Emergency appointments may be extended to sixty (60) working days by the State Personnel Board;

(xiii) Physicians, dentists, veterinarians, nurse practitioners and attorneys, while serving in their professional

capacities in authorized employment positions who are required by statute to be licensed, registered or otherwise certified as such, provided that the State Personnel Director shall verify that the statutory qualifications are met prior to issuance of a payroll warrant by the Auditor;

(xiv) Personnel who are employed and paid from funds received from a federal grant program which has been approved by the Legislature or the Department of Finance and Administration whose length of employment has been determined to be time-limited in nature. This subparagraph shall apply to personnel employed under the provisions of the Comprehensive Employment and Training Act of 1973, as amended, and other special federal grant programs which are not a part of regular federally funded programs wherein appropriations and employment positions are appropriated by the Legislature. Such employees shall be paid in accordance with the Variable Compensation Plan and shall meet all qualifications required by federal statutes or by the Mississippi Classification Plan;

(xv) The administrative head who is in charge of any state department, agency, institution, board or commission, wherein the statute specifically authorizes the Governor, board, commission or other authority to appoint said administrative head; provided, however, that the salary of such administrative head shall be determined by the State Personnel Board in accordance

with the Variable Compensation Plan unless otherwise fixed by statute;

(xvi) The State Personnel Board shall exclude top-level positions if the incumbents determine and publicly advocate substantive program policy and report directly to the agency head, or the incumbents are required to maintain a direct confidential working relationship with a key excluded official. Provided further, a written job classification shall be approved by the board for each such position, and positions so excluded shall be paid in conformity with the Variable Compensation Plan;

(xvii) Employees whose employment is solely in connection with an agency's contract to produce, store or transport goods, and whose compensation is derived therefrom;

(xviii) Repealed;

(xix) The associate director, deputy directors and bureau directors within the Department of Agriculture and Commerce;

(xx) Personnel employed by the Mississippi Industries for the Blind; provided that any agency may enter into contracts for the personal services of MIB employees without the prior approval of the State Personnel Board or the State Personal Service Contract Review Board; however, any agency contracting for the personal services of an MIB employee shall provide the MIB employee with not less than the entry-level compensation and

benefits that the agency would provide to a full-time employee of the agency who performs the same services;

(xxi) Personnel employed by the Mississippi Department of Wildlife, Fisheries and Parks and the Mississippi Department of Marine Resources as law enforcement trainees (cadets); such personnel shall be paid in accordance with the Colonel Guy Groff State Variable Compensation Plan;

(xxii) Administrators and instructional employees under contract or employed by the Mississippi School of the Arts (MSA) established in Section 37-140-1 et seq.;

(xxiii) The President of the Mississippi Lottery Corporation and personnel employed by the Mississippi Lottery Corporation * * *; and

(xxiv) Employees, excluding administrative employees, of the State Veterans Affairs Board who are employed at a veterans home established by the State Veterans Affairs Board under Section 35-1-19.

(d) "Agency" means any state board, commission, committee, council, department or unit thereof created by the Constitution or statutes if such board, commission, committee, council, department, unit or the head thereof, is authorized to appoint subordinate staff by the Constitution or statute, except a legislative or judicial board, commission, committee, council, department or unit thereof.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 72

Description: Dentists; provide immunity for providing charitable and emergency services.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(H)	Referred To Public Health and Human Services; Judiciary A
2	01/26	(H)	DR - TSDP: PH To JA
3	01/28	(H)	DR - TSDP: JA To PH
4	01/28	(H)	Title Suff Do Pass
5	02/10	(H)	Passed {Vote}
6	02/10	(H)	Motion to Reconsider Entered (Mims, McGee, Young)
7	02/11	(H)	Motion to Reconsider Tabled
8	02/11	(H)	Transmitted To Senate
9	02/16	(S)	Referred To Judiciary, Division A
10	02/25	(S)	Title Suff Do Pass
11	03/04	(S)	Passed {Vote}
12	03/08	(S)	Motion to Reconsider Entered
13	03/11	(S)	Motion to Reconsider Tabled
14	03/11	(S)	Returned For Enrolling
15	03/11	(H)	Enrolled Bill Signed
16	03/12	(S)	Enrolled Bill Signed
17	03/17		Approved by Governor

Code Section: A 073-0025-0038

----- Additional Information -----

House Committee: Public Health and Human Services, Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Mims
Additional Authors: Felsher, Haney, Eubanks

2021 GENERAL LAWS OF MISSISSIPPI HB 72

Title: AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972, TO INCLUDE DENTISTS IN THE STATUTE THAT PROVIDES IMMUNITY FROM LIABILITY FOR CERTAIN HEALTH CARE PROVIDERS WHO PROVIDE CHARITABLE HEALTH SERVICES OR PROVIDE HEALTH SERVICES WITHOUT CHARGE WHILE ASSISTING WITH EMERGENCY MANAGEMENT OR OPERATIONS IN AN EMERGENCY; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 72

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representatives Mims, Felsher, Haney, Eubanks

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 72

AN ACT TO AMEND SECTION 73-25-38, MISSISSIPPI CODE OF 1972, TO INCLUDE DENTISTS IN THE STATUTE THAT PROVIDES IMMUNITY FROM LIABILITY FOR CERTAIN HEALTH CARE PROVIDERS WHO PROVIDE CHARITABLE HEALTH SERVICES OR PROVIDE HEALTH SERVICES WITHOUT CHARGE WHILE ASSISTING WITH EMERGENCY MANAGEMENT OR OPERATIONS IN AN EMERGENCY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-25-38, Mississippi Code of 1972, is amended as follows:

73-25-38. (1) Any licensed physician, dentist, physician assistant or certified nurse practitioner who voluntarily provides needed medical or health services to any person without the expectation of payment due to the inability of such person to pay for * * * such services shall be immune from liability for any civil action arising out of the provision of such medical or health services provided in good faith on a charitable basis. This section shall not extend immunity to acts of willful or gross negligence. Except in cases of rendering emergency care * * * in which the provisions of Section 73-25-37 apply, immunity under this section shall be extended only if the physician, dentist,

physician assistant or certified nurse practitioner and patient execute a written waiver in advance of the rendering of such medical or health services specifying that such services are provided without the expectation of payment and that the licensed physician, dentist, physician assistant or certified nurse practitioner shall be immune as provided in this subsection. The immunity from liability granted by this subsection also shall extend to actions arising from a church-operated outpatient medical clinic that exists solely for the purpose of providing charitable medical services to persons who are unable to pay for such services, provided that the outpatient clinic receives less than Forty Thousand Dollars ($40,000.00) annually in patient payments.

(2) Any licensed physician, dentist, physician assistant or certified nurse practitioner assisting with emergency management, emergency operations or hazard mitigation in response to any emergency, man-made or natural disaster, who voluntarily provides needed medical or health services to any person without fee or other compensation, shall not be liable for civil damages on the basis of any act or omission if the physician, dentist, physician assistant or nurse practitioner was acting in good faith and within the scope of their license, education and training and the acts or omissions were not caused from gross, willful or wanton acts of negligence.

(3) Any physician who voluntarily renders any medical service under a special volunteer medical license authorized under Section 73-25-18 without any payment or compensation or the expectation or promise of any payment or compensation shall be immune from liability for any civil action arising out of any act or omission resulting from the rendering of the medical service unless the act or omission was the result of the physician's gross negligence or willful misconduct. In order for the immunity under this subsection to apply, there must be a written or oral agreement for the physician to provide a voluntary noncompensated medical service before the rendering of the service by the physician.

(4) Any licensed physician, or any physician who is retired from active practice and who has been previously issued an unrestricted license to practice medicine in any state of the United States or who has been issued a special volunteer medical license under Section 73-25-18, shall be immune from liability for any civil action arising out of any medical care or treatment provided while voluntarily serving as "doctor of the day" for members of the Mississippi State Legislature, legislative or other state employees, or any visitors to the State Capitol on the date of such service. This subsection shall not extend immunity to acts of willful or gross negligence or misconduct.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 73

Description: Chiropractors; extend repealer on licensure law.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/07	(H) Referred To Public Health and Human Services
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Public Health and Welfare
6	02/24	(S) Title Suff Do Pass
7	03/03	(S) Passed {Vote}
8	03/04	(S) Returned For Enrolling
9	03/04	(H) Enrolled Bill Signed
10	03/04	(S) Enrolled Bill Signed
11	03/10	Approved by Governor

Code Section: R 073-0006-0001, R 073-0006-0003, R 073-0006-0005, R 073-0006-0007, R 073-0006-0009, R 073-0006-0011, R 073-0006-0013, R 073-0006-0014, RA 073-0006-0015, R 073-0006-0017, R 073-0006-0018, R 073-0006-0019, R 073-0006-0023, R 073-0006-0025, R 073-0006-0027, R 073-0006-0029, R 073-0006-0031, A 073-0006-0033

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Mims

Title: AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF CHIROPRACTIC EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-6-15, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO AMEND SECTION 73-6-33,

MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 73

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Mims

To: Public Health and Human Services

HOUSE BILL NO. 73

AN ACT TO REENACT SECTIONS 73-6-1 THROUGH 73-6-31, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF CHIROPRACTIC EXAMINERS AND PRESCRIBE ITS DUTIES AND POWERS; TO AMEND REENACTED SECTION 73-6-15, MISSISSIPPI CODE OF 1972, TO MAKE SOME MINOR, NONSUBSTANTIVE CHANGES; TO AMEND SECTION 73-6-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-6-1, Mississippi Code of 1972, is reenacted as follows:

73-6-1. (1) The practice of chiropractic involves the analysis of any interference with normal nerve transmission and expression, and the procedure preparatory to and complementary to the correction thereof, by adjustment and/or manipulation of the articulations of the vertebral column and for the restoration and maintenance of health without the use of drugs or surgery.

(2) The chiropractic adjustment and/or manipulation of the articulations of the human body may include manual adjustments and/or manipulations and adjustments and/or manipulations by means of electrical and/or mechanical manual devices. Chiropractors

licensed under this chapter may also use in conjunction with adjustments and/or manipulations of the spinal structures electrical therapeutic modalities which induce heat or electrical current beneath the skin, including therapeutic ultrasound, galvanism, diathermy and electromuscular stimulation and other procedures taught by a chiropractic college approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency.

(3) Chiropractors licensed under this chapter may utilize those electric therapeutic modalities described in subsection (2) of this section only after the chiropractor has completed a course of study containing a minimum of one hundred twenty (120) hours of instruction in the proper utilization of those procedures in accordance with the guidelines set forth by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, and is qualified and so certified in that proper utilization.

(4) Chiropractors shall not prescribe or administer medicine to patients, perform surgery, practice obstetrics or osteopathy. Chiropractors shall be authorized to recommend, dispense or sell vitamins or food supplements.

(5) Chiropractors shall not use venipuncture, capillary puncture, acupuncture or any other technique which is invasive of the human body either by penetrating the skin or through any of the orifices of the body or through the use of colonics.

(6) A person professing to practice chiropractic for compensation must bring to the exercise of that person's profession a reasonable degree of care and skill. Any injury resulting from a want of such care and skill shall be a tort for which a recovery may be had. If a chiropractor performs upon a patient any act authorized to be performed under this chapter but which act also constitutes a standard procedure of the practice of medicine including, but not limited to, the use of modalities such as those described in subsection (2) of this section and x-rays, under similar circumstances, the chiropractor shall be held to the same standard of care as would licensed doctors of medicine who are qualified to and who actually perform those acts under similar conditions and like circumstances.

(7) Chiropractors licensed under this chapter are authorized to refer patients to licensed physical therapists for treatment.

(8) Doctors of chiropractic medicine may respond on a referral basis and under the direct and immediate supervision of a Mississippi licensed veterinarian to calls for animals requiring their professional services provided the chiropractor has a current license from the State Board of Chiropractic Examiners and the chiropractor has completed a Mississippi Board of Veterinary Medicine approved animal chiropractic course.

SECTION 2. Section 73-6-3, Mississippi Code of 1972, is reenacted as follows:

73-6-3. There is hereby created a State Board of Chiropractic Examiners. This board shall consist of six (6) members; one (1) of whom shall be the executive officer of the State Board of Health, or his designee, and one (1) from each congressional district as presently constituted, to be appointed by the Governor with the advice and consent of the Senate. Each member except the executive officer of the State Board of Health shall be a qualified elector of the State of Mississippi having been continuously engaged in the practice of chiropractic in Mississippi for at least five (5) years prior to appointment. No member shall be a stockholder in or member of the faculty or board of trustees of any school of chiropractic. Each member appointed to the board shall serve for five (5) years and until his successor is appointed and qualified; except the terms of the initial members appointed by the Governor shall expire one (1) each for five (5) years or until their successors are appointed and qualified. The members of the board as constituted on January 1, 2011, whose terms have not expired shall serve the balance of their terms, after which time the membership of the board shall be appointed as follows: There shall be appointed one (1) member of the board from each of the four (4) Mississippi congressional districts as they currently exist, and one (1) from the state at large, and the Governor shall make appointments from the congressional district having the smallest number of board members until the membership includes one (1) member from each district as

required. Vacancies on the board, except for the Executive Officer of the State Board of Health, or his designee, shall be filled by appointment of the Governor only for unexpired terms. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

SECTION 3. Section 73-6-5, Mississippi Code of 1972, is reenacted as follows:

73-6-5. (1) The State Board of Chiropractic Examiners shall select by election from its membership a chairman and vice chairman who shall hold their respective offices for a period of one (1) year. A majority of the members of the board may select an executive secretary; and may hire such other employees, including an attorney, needed to implement the provisions of this chapter. The board shall hold regular meetings for examination beginning on the second week of January and July of each year; and may hold additional meetings at such times and places as it deems necessary, but not to exceed twelve (12) times during its initial calendar year and at least four (4) times during any subsequent calendar year but may hold meetings at such times and places as it deems necessary. The July meeting shall be held in the Jackson Metropolitan area. A majority of the board shall constitute a quorum, and the concurrence of a majority of the members of the

board shall be required to grant or revoke a license. The board shall make such rules and regulations as is necessary to carry out the provisions of this chapter; however, the board shall not adopt any rule or regulation or impose any requirement regarding the licensing of chiropractors that conflicts with the prohibitions in Section 73-49-3. A copy of these rules and regulations as well as all changes thereto shall, upon passage, be sent to all practitioners licensed under this chapter.

(2) The State Board of Chiropractic Examiners shall be authorized to certify to the State Department of Health those chiropractic assistants who are exempt from registration under Section 41-58-3(7)(d) as having completed continuing education requirements and charge a fee of not more than Fifty Dollars ($50.00) annually to each individual whom the board certifies, as required under Section 41-58-5(4)(f). The board shall be authorized to establish educational qualifications and continuing education requirements for chiropractic assistants that participate in direct patient care. This section does not prohibit a chiropractic assistant from rendering ancillary services or procedures used in chiropractic practice, other than the adjustments or manipulative techniques, if those services are rendered under the supervision and control of a licensed chiropractor as long as the chiropractic assistant has successfully completed a training program recognized by the board. "Supervision and control" may not be construed as requiring the

personal presence of the supervising and controlling chiropractor at the place where those services are rendered, unless physical presence is necessary to provide patient care of the same quality as provided by the chiropractor. This section does not prohibit a chiropractor from delegating to a chiropractic assistant certain activities relating to patient care and treatment when those activities are under supervision or direct order of the chiropractor. The chiropractor delegating those activities to an employee, to a program graduate, or to a participant in an approved training program is legally liable for those activities performed by such a chiropractic assistant and that chiropractic assistant is considered to be the chiropractor's agent. The board shall charge a fee not to exceed Fifty Dollars ($50.00) annually for this certification and annual renewal. Likewise, a late fee of One Hundred Dollars ($100.00) shall be charged on all chiropractic assistants and chiropractic radiological technologists not renewing on or before July 1 of each year. Chiropractic radiological technologists are not exempt from these continuing education requirements.

SECTION 4. Section 73-6-7, Mississippi Code of 1972, is reenacted as follows:

73-6-7. Before entering upon the discharge of the duties of his office, the Executive Secretary of the State Board of Chiropractic Examiners shall present a bond, approved by the board, to the state in the sum of Ten Thousand Dollars

($10,000.00), conditioned upon the faithful discharge of the duties of his office. The premium for such bond shall be paid from the funds paid into the State Treasury by the secretary of the board. Such bond, with the approval of the board and oath of office endorsed thereon, shall be deposited with the Secretary of State.

Each month, monies received by the secretary of the board shall be paid by him into the State Treasury and deposited in a fund to be known as the "State Board of Chiropractic Examiners Fund" for the use of the board in carrying out the provisions of this chapter. The board shall receive no appropriation from any state funds for its support, except from the special fund deposited into the State Treasury by the board.

SECTION 5. Section 73-6-9, Mississippi Code of 1972, is reenacted as follows:

73-6-9. Each member of the State Board of Chiropractic Examiners shall receive the per diem authorized under Section 25-3-69, for each day actually discharging his official duties, and shall receive reimbursement for mileage and necessary expense incurred, as provided in Section 25-3-41. The executive secretary shall receive an annual salary to be fixed by the board in addition to reimbursements for necessary expenses incurred in the discharge of his official duties.

The expenses of the board in carrying out the provisions of this chapter shall be paid upon requisitions signed by the

chairman and secretary of the board and warrants signed by the State Auditor from the fund in the State Treasury for the use of the board. Said expenses shall not exceed the amount paid into the State Treasury under the provisions of this chapter.

SECTION 6. Section 73-6-11, Mississippi Code of 1972, is reenacted as follows:

73-6-11. The State Board of Chiropractic Examiners shall adopt an official seal and shall keep a record of its proceedings, persons licensed as chiropractors, and a record of licenses which have been revoked or suspended. The board shall keep on file all examination papers for a period of at least ninety (90) days after each examination. A transcript of an entry in such records, certified by the secretary under the seal of the board, shall be evidence of the facts therein stated. The board shall annually, on or before January 1, make a report to the Governor and Legislature of all its official acts during the preceding year, its receipts and disbursements, and a full and complete report of the conditions of chiropractic in this state.

SECTION 7. Section 73-6-13, Mississippi Code of 1972, is reenacted as follows:

73-6-13. (1) Any adult of good moral character who has (a) graduated from a school or college of chiropractic recognized by the State Board of Chiropractic Examiners, preceded by the successful completion of at least two (2) academic years at an accredited institution of higher learning, or accredited junior

college, and (b) successfully completed parts 1, 2, 3 and 4 and the physical modality section of the examination prepared by the National Board of Chiropractic Examiners, shall be entitled to take the examination for a license to practice chiropractic in Mississippi. The State Board of Chiropractic Examiners shall keep on file a list of schools or colleges of chiropractic which are so recognized. No chiropractic school shall be approved unless it is recognized and approved by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, offers an accredited course of study of not less than four (4) academic years of at least nine (9) months in length, and requires its graduates to receive not less than forty (40) clock hours of instruction in the operation of x-ray machinery and not less than forty (40) clock hours of instruction in x-ray interpretation and diagnosis.

(2) Except as otherwise provided in this section, the State Board of Health shall prescribe rules and regulations for the operation and use of x-ray machines.

(3) The examination to practice chiropractic used by the board shall consist of testing on the statutes and the rules and regulations regarding the practice of chiropractic in the State of Mississippi.

(4) Reciprocity privileges for a chiropractor from another state shall be granted at the board's option on an individual basis and by a majority vote of the State Board of Chiropractic

Examiners to an adult of good moral character who (a) is currently an active competent practitioner for at least eight (8) years and holds an active chiropractic license in another state with no disciplinary proceeding or unresolved complaint pending anywhere at the time a license is to be issued by this state, (b) demonstrates having obtained licensure as a chiropractor in another state under the same education requirements which were equivalent to the education requirements in this state to obtain a chiropractic license at the time the applicant obtained the license in the other state, (c) satisfactorily passes the examination administered by the State Board of Chiropractic Examiners, and (d) meets the requirements of Section 73-6-1(3) pertaining to therapeutic modalities. The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SECTION 8. Section 73-6-14, Mississippi Code of 1972, is reenacted as follows:

73-6-14. (1) The State Board of Chiropractic Examiners is hereby authorized to establish a preceptorship and extern program whereby chiropractic students enrolled in their last year at a board-approved chiropractic college accredited by the Council on Chiropractic Education, its successor or an equivalent accrediting agency, and recent chiropractic graduates of such schools may be issued a limited license to practice chiropractic in the State of Mississippi under the direct on-premises supervision of a

sponsoring licensed chiropractor, and in the case of chiropractic students, also under the general supervision of the student's school. The State Board of Chiropractic Examiners shall prohibit the use of more than one (1) such limited license student or graduate to one (1) sponsor licensed to practice chiropractic. The State Board of Chiropractic Examiners is empowered to establish rules and regulations for the implementation of this subsection (1), including, but not limited to, providing academic, professional and character requirements for eligible participants, defining the permitted scope of practice of the limited licensee, and prescribing fees for participation.

(2) The State Board of Chiropractic Examiners is hereby authorized to establish a Travel to Treat temporary license whereby nonresident chiropractors traveling with nonresident entities, including, but not limited to sports teams, will be able to practice chiropractic on members of their entities while in the State of Mississippi. The board is empowered to establish rules and regulations for the implementation of this subsection (2), including, but not limited to, providing professional requirements for eligible participants, defining the permitted scope of practice of the traveling chiropractors, and prescribing fees for participation.

(3) The State Board of Chiropractic Examiners is hereby authorized to establish an emergency license to nonresident chiropractors to practice in the place of a chiropractor licensed

in the State of Mississippi. Such emergency license shall remain in force for a period not to exceed ninety (90) days, unless extended for an additional period of ninety (90) days by the board or until the licensed resident chiropractor is able to resume his practice. The board is empowered to establish rules and regulations for the implementation of this subsection (3), including, but not limited to, providing professional requirements for eligible participants, defining the scope of practice for emergency licensees, and prescribing fees for participation.

SECTION 9. Section 73-6-15, Mississippi Code of 1972, is reenacted and amended as follows:

73-6-15. Every applicant shall file with the secretary of the board an application, verified by oath, setting forth the facts which entitle the applicant to examination under the provisions of this chapter. The State Board of Chiropractic Examiners shall hold at least two (2) examinations each year. In case of failing to pass such examination, the applicant, after the expiration of six (6) months and within two (2) years, shall have the privilege of taking a second examination by the board with the payment of an additional fee equal to that charged the State Board of Chiropractors by the National Board of Chiropractic Examiners. An applicant who fails the examination twice shall not be permitted to retake the examination until completion of further course of study to be outlined by the board and payment of the fee for further examination. Every applicant who passed the

examination and otherwise complies with the provisions of this chapter shall receive from the board, under its seal, a certificate of licensure which entitles him to practice chiropractic in this state; however, such certificate does not in any way qualify a chiropractor to make application to practice on the medical staff of any hospital licensed by the State Department of Health. Nothing in this chapter may prevent a chiropractor from making application to any hospital for chiropractic staff privileges or as an allied health provider as outlined under the Minimum Standards * * * of Operation * * * for Mississippi Hospitals. Such certificate shall be duly registered in a record book which shall be properly kept by the secretary of the board and which shall be open to public inspection. A duly certified copy of said record shall be competent evidence in all courts of this state to establish licensure.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64, Mississippi Code of 1972.

SECTION 10. Section 73-6-17, Mississippi Code of 1972, is reenacted as follows:

73-6-17. The State Board of Chiropractic Examiners shall charge the following fees for application, examination and issuance of certificates: application, One Hundred Dollars ($100.00); examination and issuance of certificate, Two Hundred Dollars ($200.00) for all applicants; provided, however, that

resident and nonresident applicants shall have first successfully completed parts 1, 2, 3 and 4 and the physical modality section of the examination prepared by the National Board of Chiropractic Examiners.

Except as provided in Section 33-1-39, every registered chiropractor in order to continue the practice of chiropractic shall pay annually to the secretary of the board a registration renewal fee of not more than Three Hundred Dollars ($300.00) and, in addition to such renewal fee, shall be required to file with the secretary of the board a certificate, certified by a state chiropractic board and state chiropractic association, verifying his attendance at a course of study approved by the board consisting of not less than twelve (12) hours of instruction in the latest developments in the practice of chiropractic of which at least three (3) hours shall be instruction in the subject of risk management. Provided, that any chiropractor who has reached the age of seventy-five (75) years and is not participating in an active practice shall not be required to pay said renewal fee or submit the twelve (12) hours of continuing education. Any chiropractor who has received a certificate of licensure in this state under the provisions of Section 73-6-13(4) shall be in good standing in the state of his original licensure in order to renew his certificate in this state, and the board shall refuse to renew the certificate of any such chiropractor whose license has been suspended or revoked for cause in the state of his original

licensure. In case of failure to pay the renewal fee, the board may revoke such certificate after giving sixty (60) days' notice to the holder who, within such period, may renew such certificate upon payment of the delinquent fee with a special processing charge of not more than Three Hundred Dollars ($300.00). Lack of participation in active practice for a period of less than two (2) years, except when a doctor is in active military duty, shall not deprive the holder of the right to renew such certificate, without examination, upon the payment of all lapsed fees and proof of required continuing education hours.

SECTION 11. Section 73-6-18, Mississippi Code of 1972, is reenacted as follows:

73-6-18. These standards apply to all licensed chiropractors and chiropractic assistants. These standards also apply to those consultations and examinations advertised as a reduced fee or free (no charge) service:

(a) The chiropractor shall maintain records for patients which accurately, legibly and completely reflect the evaluation and treatment of the patient.

(b) All patient records shall include patient history, symptomatology, examination, diagnosis, prognosis and treatment. If abbreviations or symbols are used in daily record keeping, a key must be provided.

(c) In the event that the board takes disciplinary action against a chiropractor for any reason, these minimum record

keeping standards will apply. It is understood that these procedures are the accepted standard(s) and anything less than this shall be considered unprofessional conduct in the practice of chiropractic.

SECTION 12. Section 73-6-19, Mississippi Code of 1972, is reenacted as follows:

73-6-19. (1) The board shall refuse to grant a certificate of licensure to any applicant or may cancel, revoke or suspend the certificate upon the finding of any of the following facts regarding the applicant or licensed practitioner:

(a) Failure to comply with the rules and regulations adopted by the State Board of Chiropractic Examiners;

(b) Violation of any of the provisions of this chapter or any of the rules and regulations of the State Board of Health pursuant to this chapter with regard to the operation and use of x-rays;

(c) Fraud or deceit in obtaining a license;

(d) Addiction to the use of alcohol, narcotic drugs, or anything which would seriously interfere with the competent performance of his professional duties;

(e) Conviction by a court of competent jurisdiction of a felony, other than manslaughter or any violation of the United States Internal Revenue Code;

(f) Unprofessional and unethical conduct;

(g) Contraction of a contagious disease which may be carried for a prolonged period;

(h) Failure to report to the Mississippi Department of Human Services or the county attorney any case wherein there are reasonable grounds to believe that a child or vulnerable adult has been abused by its parent or person responsible for such person's welfare;

(i) Advising a patient to use drugs, prescribing or providing drugs for a patient, or advising a patient not to use a drug prescribed by a licensed physician or dentist;

(j) Professional incompetency in the practice of chiropractic;

(k) Having disciplinary action taken by his peers within any professional chiropractic association or society;

(l) Offering to accept or accepting payment for services rendered by assignment from any third-party payor after offering to accept or accepting whatever the third-party payor covers as payment in full, if the effect of the offering or acceptance is to eliminate or give the impression of eliminating the need for payment by an insured of any required deductions applicable in the policy of the insured;

(m) Associating his practice with any chiropractor who does not hold a valid chiropractic license in Mississippi, or teach chiropractic manipulation to nonqualified persons under Section 73-6-13;

(n) Failure to make payment on chiropractic student loans;

(o) Failure to follow record keeping requirements prescribed in Section 73-6-18;

(p) If the practitioner is certified to provide animal chiropractic treatment, failure to follow guidelines approved by the Mississippi Board of Veterinary Medicine; or

(q) Violation(s) of the provisions of Sections 41-121-1 through 41-121-9 relating to deceptive advertisement by health care practitioners. This paragraph shall stand repealed on July 1, 2025.

(2) Any holder of such certificate or any applicant therefor against whom is preferred any of the designated charges shall be furnished a copy of the complaint and shall receive a formal hearing in Jackson, Mississippi, before the board, at which time he may be represented by counsel and examine witnesses. The board is authorized to administer oaths as may be necessary for the proper conduct of any such hearing. In addition, the board is authorized and empowered to issue subpoenas for the attendance of witnesses and the production of books and papers. The process issued by the board shall extend to all parts of the state. Where in any proceeding before the board any witness shall fail or refuse to attend upon subpoena issued by the board, shall refuse to testify, or shall refuse to produce any books and papers, the production of which is called for by the subpoena, the attendance

of such witness and the giving of his testimony and the production of the books and papers shall be enforced by any court of competent jurisdiction of this state in the manner provided for the enforcement of attendance and testimony of witnesses in civil cases in the courts of this state.

(3) In addition to any other investigators the board employs, the board shall appoint one or more licensed chiropractors to act for the board in investigating the conduct relating to the competency of a chiropractor, whenever disciplinary action is being considered for professional incompetence and unprofessional conduct.

(4) Whenever the board finds any person unqualified to practice chiropractic because of any of the grounds set forth in subsection (1) of this section, after a hearing has been conducted as prescribed by this section, the board may enter an order imposing one or more of the following:

(a) Deny his application for a license or other authorization to practice chiropractic;

(b) Administer a public or private reprimand;

(c) Suspend, limit or restrict his license or other authorization to practice chiropractic for up to five (5) years;

(d) Revoke or cancel his license or other authorization to practice chiropractic;

(e) Require him to submit to care, counseling or treatment by physicians or chiropractors designated by the board,

as a condition for initial, continued or renewal of licensure or other authorization to practice chiropractic;

(f) Require him to participate in a program of education prescribed by the board; or

(g) Require him to practice under the direction of a chiropractor designated by the board for a specified period of time.

(5) Any person whose application for a license or whose license to practice chiropractic has been cancelled, revoked or suspended by the board within thirty (30) days from the date of such final decision shall have the right of a de novo appeal to the circuit court of his county of residence or the Circuit Court of the First Judicial District of Hinds County, Mississippi. If there is an appeal, such appeal may, in the discretion of and on motion to the circuit court, act as a supersedeas. The circuit court shall dispose of the appeal and enter its decision promptly. The hearing on the appeal may, in the discretion of the circuit judge, be tried in vacation. Either party shall have the right of appeal to the Supreme Court as provided by law from any decision of the circuit court.

(6) In a proceeding conducted under this section by the board for the revocation, suspension or cancellation of a license to practice chiropractic, after a hearing has been conducted as prescribed by this section, the board shall have the power and authority for the grounds stated in subsection (1) of this

section, with the exception of paragraph (c) thereof, to assess and levy upon any person licensed to practice chiropractic in the state a monetary penalty in lieu of such revocation, suspension or cancellation, as follows:

(a) For the first violation, a monetary penalty of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) for each violation.

(b) For the second and each subsequent violation, a monetary penalty of not less than One Thousand Dollars ($1,000.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00) for each violation.

The power and authority of the board to assess and levy such monetary penalties under this section shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations. A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section to the circuit court under the same conditions as a right of appeal is provided for in this section for appeals from an adverse ruling, or order, or decision of the board. Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal has expired, and an appeal of the assessment and levy of such a monetary penalty shall act as a supersedeas.

(7) In addition to the grounds specified in subsection (1) of this section, the board shall be authorized to suspend the

license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 13. Section 73-6-23, Mississippi Code of 1972, is reenacted as follows:

73-6-23. Nothing in this chapter shall be construed as conferring upon the holder of such certificate the right to practice medicine and surgery as a physician or osteopathic physician as defined by statute, to engage in the practice of physical therapy as defined by statute, to advise or prescribe the

use of drugs by his patients, or to advise a patient not to use a drug prescribed by a licensed physician or dentist.

SECTION 14. Section 73-6-25, Mississippi Code of 1972, is reenacted as follows:

73-6-25. (1) The members of the chiropractic profession, licensed or unlicensed, are hereby prohibited from:

(a) Making use of any public statement of a character tending to mislead the public in regard to the health services of the chiropractic profession or of an individual chiropractor, or use of any other professional designation other than the term "chiropractor," "doctor of chiropractic," "D.C." or "chiropractic physician"; however, the use of the title "chiropractic physician" authorized in this paragraph (a) shall not be construed as conferring upon the holder of a license to practice chiropractic any right or responsibility given to a "physician" by any other Mississippi statute, unless the statute specifically confers the right or responsibility on a "chiropractor" or a "chiropractic physician";

(b) Offering discounts or inducements to prospective patients by means of coupons or otherwise to perform professional services during any period of time for a lesser or more attractive price without providing a disclaimer to the public indicating the usual price for other services;

(c) Advertising or promising to guarantee any professional service or to perform any operation painlessly;

(d) Violating any of the provisions of this chapter or any of the rules and regulations of the State Board of Health pursuant to this chapter with regard to the operation and use of x-rays.

(2) Nothing herein shall be construed to prohibit a licensed practitioner of chiropractic from allowing or causing his name, address and telephone number to be inserted in the classified section of a telephone directory under a classification denoting the practitioner's profession. Nothing herein shall be construed to prohibit a licensed practitioner from mailing letters to his clients, but such letters shall otherwise be subject to the provisions of this section.

SECTION 15. Section 73-6-27, Mississippi Code of 1972, is reenacted as follows:

73-6-27. Any person who has graduated from a college approved by the International Chiropractors Association or American Chiropractic Association and who was engaged in the full-time practice of chiropractic in Mississippi prior to January 1, 1970, or was engaged in the full-time practice of chiropractic in Mississippi for a period of eight (8) years prior to April 16, 1973, shall be entitled to a license hereunder by making application to the State Board of Chiropractic Examiners without being required to take the examination of the State Board of Chiropractic Examiners, provided he applies for such license within ninety (90) days after the appointment of the initial

board, submits reasonable evidence to the board establishing his eligibility for such exemption, and pays a Twenty-five Dollar registration fee. All other persons practicing chiropractic within the State of Mississippi on April 16, 1973, shall be eligible to take the approved examination.

SECTION 16. Section 73-6-29, Mississippi Code of 1972, is reenacted as follows:

73-6-29. Anyone failing to comply with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Five Hundred Dollars ($2,500.00), and/or by imprisonment in the county jail for not less than thirty (30) days nor more than one (1) year.

All subsequent offenses shall be separate and distinct offenses, and punishable in like manner.

The State Board of Chiropractic Examiners or the district attorney or county attorney of the county in which the defendant may reside or the Attorney General of Mississippi may institute legal action as provided by law against any person violating the provisions of this chapter, and the chancery court of the county in which any such violation occurred or in which any such person resides or practices shall have jurisdiction to grant injunctive relief against the continuation of any such violation.

SECTION 17. Section 73-6-31, Mississippi Code of 1972, is reenacted as follows:

73-6-31. No person shall engage in the practice of chiropractic from and after January 1, 1974, unless he has a valid license issued pursuant to this chapter.

SECTION 18. Section 73-6-33, Mississippi Code of 1972, is amended as follows:

73-6-33. Sections 73-6-1 through 73-6-31, Mississippi Code of 1972, which create the State Board of Chiropractic Examiners and prescribe its duties and powers, shall stand repealed as of July 1, * * * 2026.

SECTION 19. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 74

Description: Emergency Telecommunications Services (911); extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/07	(H) Referred To Public Utilities
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/18	(S) Referred To Energy
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: R 019-0005-0303, R 019-0005-0313, R 019-0005-0319, R 019-0005-0331, R 019-0005-0333, R 019-0005-0335, R 019-0005-0337, R 019-0005-0339, R 019-0005-0341, R 019-0005-0353, R 019-0005-0357, R 019-0005-0359, R 019-0005-0361, A 019-0005-0371

----- Additional Information -----

House Committee: Public Utilities
Senate Committee: Energy

Principal Author: Turner

Title: AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319, 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353, 19-5-357, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972, WHICH REGULATE 911 AND E911 EMERGENCY TELECOMMUNICATIONS SERVICES AND REQUIRE THE COLLECTION OF SERVICE CHARGES; TO AMEND SECTION 19-5-371, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Turner To: Public Utilities

HOUSE BILL NO. 74

AN ACT TO REENACT SECTIONS 19-5-303, 19-5-313, 19-5-319, 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353, 19-5-357, 19-5-359 AND 19-5-361, MISSISSIPPI CODE OF 1972, WHICH REGULATE 911 AND E911 EMERGENCY TELECOMMUNICATIONS SERVICES AND REQUIRE THE COLLECTION OF SERVICE CHARGES; TO AMEND SECTION 19-5-371, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 19-5-303, Mississippi Code of 1972, is reenacted as follows:

19-5-303. For purposes of Sections 19-5-301 through 19-5-317, the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

(a) "Exchange access facilities" shall mean all lines provided by the service supplier for the provision of local exchange service as defined in existing general subscriber services tariffs.

(b) "Tariff rate" shall mean the rate or rates billed by a service supplier as stated in the service supplier's tariffs and approved by the Public Service Commission, which represent the

service supplier's recurring charges for exchange access facilities, exclusive of all taxes, fees, licenses or similar charges whatsoever.

(c) "District" shall mean any communications district created pursuant to Section 19-5-301 et seq., or by local and private act of the State of Mississippi.

(d) "Service supplier" shall mean any person providing exchange telephone service to any service user throughout the county.

(e) "Service user" shall mean any person, not otherwise exempt from taxation, who is provided exchange telephone service in the county or state.

(f) "E911" shall mean Enhanced Universal Emergency Number Service or Enhanced 911 Service, which is a telephone exchange communications service whereby a Public Safety Answering Point (PSAP) designated by the county or local communications district may receive telephone calls dialed to the abbreviated telephone number 911. E911 Service includes lines and equipment necessary for the answering, transferring and dispatching of public emergency telephone calls originated by persons within the serving area who dial 911. Enhanced 911 Service includes the displaying of the name, address and other pertinent caller information as may be supplied by the service supplier.

(g) "Basic 911" shall mean a telephone service terminated in designated Public Safety Answering Points accessible

by the public through telephone calls dialed to the abbreviated telephone number 911. Basic 911 is a voice service and does not display address or telephone number information.

(h) "Shared tenant services (STS)" shall mean any telephone service operation supplied by a party other than a regulated local exchange telephone service supplier for which a charge is levied. Such services shall include, but not be limited to, apartment building systems, hospital systems, office building systems and other systems where dial tone is derived from connection of tariffed telephone trunks or lines connected to a private branch exchange telephone system.

(i) "Private branch exchange (PBX)" shall mean any telephone service operation supplied by a party other than a regulated local exchange telephone service supplier for which a charge is not levied. Such services are those where tariffed telephone trunks or lines are terminated into a central switch which is used to supply dial tone to telephones operating within that system.

(j) "Off-premise extension" shall mean any telephone connected to a private branch exchange or a shared tenant service which is in a different building or location from the main switching equipment and, therefore, has a different physical address.

(k) "Centrex" or "ESSX" shall mean any variety of services offered in connection with any tariffed telephone service

in which switching services and other dialing features are provided by the regulated local exchange telephone service supplier.

(l) "Commercial mobile radio service" or "CMRS" shall mean commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66. The term includes the term "wireless" and service provided by any wireless real-time, two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, or a network radio access line. The term does not include service whose customers do not have ready access to 911, to a communication channel suitable only for data transmission, to a wireless roaming service or other nonlocal radio access line service, or to a private telecommunications system.

(m) "Telecommunicator" shall mean any person engaged in or employed as a telecommunications operator by any public safety, fire or emergency medical agency whose primary responsibility is the receipt or processing of calls for emergency services provided by public safety, fire or emergency medical agencies or the dispatching of emergency services provided by public safety, fire

or emergency medical agencies and who receives or disseminates information relative to emergency assistance by telephone or radio.

(n) "Public safety answering point (PSAP)" shall mean any designated point of contact between the public and the emergency services such as a 911 answering point or, in the absence of 911 emergency telephone service, any other designated point of contact where emergency telephone calls are routinely answered and dispatched or transferred to another agency.

(o) "Local exchange telephone service" shall mean all lines provided by a service supplier as defined in existing general subscriber tariffs.

(p) "911 emergency communication" means any FCC mandated 911 communication, message, signal or transmission made to a public safety answering point.

(q) "Voice over Internet Protocol service" means any technology that permits a voice conversation using a voice connection to a computer, whether through a microphone, a telephone or other device, which sends a digital signal over the Internet through a broadband connection to be converted back to the human voice at a distant terminal and that delivers or is required by law to deliver a call to a public safety answering point. Voice over Internet Protocol service shall also include interconnected Voice over Internet Protocol service, which is service that enables real-time, two-way voice communications,

requires a broadband connection from the user's location, requires Internet protocol compatible customer premises equipment, and allows users to receive calls that originate on the public service telephone network and to terminate calls to the public switched telephone network.

(r) "Voice over Internet Protocol service supplier" means a person or entity who provides Voice over Internet Protocol service to subscribers for a fee.

SECTION 2. Section 19-5-313, Mississippi Code of 1972, is reenacted as follows:

19-5-313. (1) The board of supervisors may levy an emergency telephone service charge in an amount not to exceed One Dollar ($1.00) per residential telephone subscriber line per month, One Dollar ($1.00) per Voice over Internet Protocol subscriber account per month, and Two Dollars ($2.00) per commercial telephone subscriber line per month for exchange telephone service. Any emergency telephone service charge shall have uniform application and shall be imposed throughout the entirety of the district to the greatest extent possible in conformity with availability of such service in any area of the district. Those districts which exist on the date of enactment of Chapter 539, Laws of 1993, shall convert to the following structure for service charge levy: If the current charge is five percent (5%) of the basic tariff service rate, the new collection shall be Eighty Cents (80¢) per month per residential subscriber

line and One Dollar and Sixty Cents ($1.60) per month per commercial subscriber line. The collections may be adjusted as outlined in Chapter 539, Laws of 1993, and within the limits set forth herein.

(2) If the proceeds generated by the emergency telephone service charge exceed the amount of monies necessary to fund the service, the board of supervisors may authorize such excess funds to be expended by the county and the municipalities in the counties to perform the duties and pay the costs relating to identifying roads, highways and streets, as provided by Section 65-7-143. The board of supervisors shall determine how the funds are to be distributed in the county and among municipalities in the county for paying the costs relating to identifying roads, highways and streets. The board of supervisors may temporarily reduce the service charge rate or temporarily suspend the service charge if the proceeds generated exceed the amount that is necessary to fund the service and/or to pay costs relating to identifying roads, highways and streets. Such excess funds may also be used in the development of county or district communications and paging systems when used primarily for the alerting and dispatching of public safety entities and for other administrative costs such as management personnel, maintenance personnel and related building and operational requirements. Such excess funds may be placed in a depreciation fund for emergency and obsolescence replacement of equipment necessary for the

operation of the overall 911 emergency telephone and alerting systems.

(3) No such service charge shall be imposed upon more than twenty-five (25) exchange access facilities or Voice over Internet Protocol lines per person per location. Trunks or service lines used to supply service to CMRS providers shall not have a service charge levied against them. Every billed service user shall be liable for any service charge imposed under this section until it has been paid to the service supplier. The duty of the service supplier to collect any such service charge shall commence upon the date of its implementation, which shall be specified in the resolution for the installation of such service. Any such emergency telephone service charge shall be added to and may be stated separately in the billing by the service supplier to the service user.

(4) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the board of supervisors and board of commissioners with a list of the amount uncollected, together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate or, for nontariff services, at the time of payment, in accordance with the regular billing practice

of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action or claim which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

(5) The amounts collected by the service supplier attributable to any emergency telephone service charge shall be due the county treasury monthly. The amount of service charge collected each month by the service supplier shall be remitted to the county no later than sixty (60) days after the close of the month. A return, in such form as the board of supervisors and the service supplier agree upon, shall be filed with the county, together with a remittance of the amount of service charge collected payable to the county. The service supplier shall maintain records of the amount of service charge collected for a period of at least two (2) years from date of collection. The board of supervisors and board of commissioners shall receive an annual audit of the service supplier's books and records with respect to the collection and remittance of the service charge. From the gross receipts to be remitted to the county, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof. From and after March 10, 1987, the service charge is a county fee and is not subject to any sales, use, franchise, income, excise or any other tax, fee or

assessment and shall not be considered revenue of the service supplier for any purpose.

(6) In order to provide additional funding for the district, the board of commissioners may receive federal, state, county or municipal funds, as well as funds from private sources, and may expend such funds for the purposes of Section 19-5-301 et seq.

SECTION 3. Section 19-5-319, Mississippi Code of 1972, is reenacted as follows:

19-5-319. (1) Automatic number identification (ANI), automatic location identification (ALI) and geographic automatic location identification (GeoALI) information that consist of the name, address and telephone number of telephone or wireless subscribers shall be confidential, and the dissemination of the information contained in the 911 automatic number and location database is prohibited except for the following purpose: The information will be provided to the Public Safety Answering Point (PSAP) on a call-by-call basis only for the purpose of handling emergency calls or for training, and any permanent record of the information shall be secured by the Public Safety Answering Point (PSAP) and disposed of in a manner which will retain that security, except upon court order or subpoena from a court of competent jurisdiction or as otherwise provided by law.

(2) All emergency telephone calls and telephone call transmissions received pursuant to Section 19-5-301 et seq., and all recordings of the emergency telephone calls, shall remain

confidential and shall be used only for the purposes as may be needed for law enforcement, fire, medical rescue or other emergency services. These recordings shall not be released to any other parties without court order or subpoena from a court of competent jurisdiction.

(3) PSAP and emergency response entities shall maintain and, upon request, release a record of the date of call, time of call, the time the emergency response entity was notified, and the identity of the emergency response entity. The emergency response entity shall maintain and, upon request, release a record of the date and time the call was received by the emergency response entity and the time the emergency response entity arrived on the scene. Requests for release of records must be made in writing and must specify the information desired. Requestors shall pay the cost of providing the information requested in accordance with the Mississippi Public Records Act of 1983, Section 25-61-1 et seq. The identity of any caller or person or persons who are the subject of any call, or the address, phone number or other identifying information about any such person, shall not be released except as provided in subsection (2) of this section.

SECTION 4. Section 19-5-331, Mississippi Code of 1972, is reenacted as follows:

19-5-331. As used in Sections 19-5-331 through 19-5-341, the following words and phrases have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) The terms "board" and "CMRS Board" mean the Commercial Mobile Radio Service Emergency Telephone Services Board.

(b) The term "automatic number identification" or "ANI" means an Enhanced 911 Service capability that enables the automatic display of the ten-digit wireless telephone number used to place a 911 call and includes "pseudo-automatic number identification" or "pseudo-ANI," which means an Enhanced 911 Service capability that enables the automatic display of the number of the cell site and an identification of the CMRS provider.

(c) The term "commercial mobile radio service" or "CMRS" means commercial mobile radio service under Sections 3(27) and 332(d) of the Federal Telecommunications Act of 1996, 47 USCS Section 151 et seq., and the Omnibus Budget Reconciliation Act of 1993, Public Law 103-66. The term includes the term "wireless" and service provided by any wireless real time two-way voice communication device, including radio-telephone communications used in cellular telephone service, personal communication service, or the functional or competitive equivalent of a radio-telephone communications line used in cellular telephone service, a personal communication service, specialized mobile radio service, or a network radio access line. The term does not include service whose customers do not have access to 911 or to a 911-like service, to a communication channel suitable only for

data transmission, to a wireless roaming service or other nonlocal radio access line service, or to a private telecommunications system.

(d) The term "commercial mobile radio service provider" or "CMRS provider" means a person or entity who provides commercial mobile radio service or CMRS service.

(e) The term "CMRS connection" means each mobile handset telephone number assigned to a CMRS customer with a place of primary use in the State of Mississippi.

(f) The term "CMRS Fund" means the Commercial Mobile Radio Service Fund required to be established and maintained pursuant to Section 19-5-333.

(g) The term "CMRS service charge" means the CMRS emergency telephone service charge levied and maintained pursuant to Section 19-5-333, and collected pursuant to Section 19-5-335.

(h) The term "distribution formula" means the formula specified in Section 19-5-333(c) by which monies generated from the CMRS service charge are distributed on a percentage basis to emergency communications districts and to the CMRS Fund.

(i) The term "ECD" means an emergency communications district created pursuant to Section 19-5-301 et seq., or by local and private act of the State of Mississippi.

(j) The term "Enhanced 911," "E911," "Enhanced E911 system" or "E911 system" means an emergency telephone system that provides the caller with emergency 911 system service, that

directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated, and that provides the capability for automatic number identification and other features that the Federal Communications Commission (FCC) may require in the future.

(k) The term "exchange access facility" means an "exchange access facility" as defined by Section 19-5-303.

(l) The term "FCC Order" means Federal Communications Commission orders, rules and regulations issued with respect to implementation of Basic 911 or Enhanced 911 and other emergency communication services.

(m) The term "place of primary use" means the street address representative of where the customer's use of mobile telecommunications services primarily occurs, which must be either the residential street address or the primary business street address of the customer.

(n) The term "service supplier" means a "service supplier" as defined by Section 19-5-303.

(o) The term "technical proprietary information" means technology descriptions, technical information or trade secrets and the actual or developmental costs thereof which are developed, produced or received internally by a CMRS provider or by a CMRS provider's employees, directors, officers or agents.

SECTION 5. Section 19-5-333, Mississippi Code of 1972, is reenacted as follows:

19-5-333. (1) There is created a Commercial Mobile Radio Service (CMRS) Board, consisting of eight (8) members to be appointed by the Governor with the advice and consent of the Senate. The members of the board shall be appointed as follows:

(a) One (1) member from the Northern Public Service Commission District selected from two (2) nominees submitted to the Governor by the Mississippi 911 Coordinators Association;

(b) One (1) member from the Central Public Service Commission District selected from two (2) nominees submitted to the Governor by the Mississippi Chapter of the Association of Public Safety Communication Officers;

(c) One (1) member from the Southern Public Service Commission District selected from two (2) nominees submitted to the Governor by the National Emergency Numbering Association;

(d) Two (2) members who are wireless provider representatives;

(e) One (1) member who is a consumer representing the state at large with no affiliation to the three (3) trade associations or the wireless providers;

(f) One (1) member who is a member of the Mississippi Law Enforcement Officers Association selected from two (2) nominees submitted to the Governor by the association; and

(g) One (1) member who is a member of the Mississippi Association of Supervisors selected from two (2) nominees submitted to the Governor by the association.

The initial terms of the board members, as appointed after July 1, 2002, shall be staggered as follows: The members appointed under paragraph (d) shall serve a term of two (2) years; the member appointed under paragraph (e) shall serve a term of one (1) year. After the expiration of the initial terms, the term for all members shall be four (4) years.

(2) The board shall have the following powers and duties:

(a) To collect and distribute a CMRS emergency telephone service charge on each CMRS customer whose place of primary use is within the state. The rate of such CMRS service charge shall be One Dollar ($1.00) per month per CMRS connection. In the case of prepaid wireless service, the rate and methodology for collecting and remitting the 911 charge is governed by Section 19-5-343. The CMRS service charge shall have uniform application and shall be imposed throughout the state. The board is authorized to receive all revenues derived from the CMRS service charge levied on CMRS connections in the state and collected pursuant to Section 19-5-335.

(b) To establish and maintain the CMRS Fund as an insured, interest-bearing account into which the board shall deposit all revenues derived from the CMRS service charge levied on CMRS connections in the state and collected pursuant to Section 19-5-335. The revenues which are deposited into the CMRS Fund shall not be monies or property of the state and shall not be subject to appropriation by the Legislature. Interest derived

from the CMRS Fund shall be divided equally to pay reasonable costs incurred by providers in compliance with the requirements of Sections 19-5-331 through 19-5-341 and to compensate those persons, parties or firms employed by the CMRS Board as contemplated in paragraph (d) of this subsection. The interest income is not subject to the two percent (2%) cap on administrative spending established in Section 19-5-335(3).

(c) To establish a distribution formula by which the board will make disbursements of the CMRS service charge in the following amounts and in the following manner:

(i) Out of the funds collected by the board, thirty percent (30%) shall be deposited into the CMRS Fund, and shall be used to defray the administrative expenses of the board in accordance with Section 19-5-335(3) and to pay the actual costs incurred by such CMRS providers in complying with the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order, including, but not limited to, costs and expenses incurred for designing, upgrading, purchasing, leasing, programming, installing, testing or maintaining all necessary data, hardware and software required in order to provide such service as well as the incremental costs of operating such service. Sworn invoices must be presented to the board in connection with any request for payment and approved by a majority vote of the board prior to any such disbursement, which approval

shall not be withheld or delayed unreasonably. In no event shall any invoice for payment be approved for the payment of costs that are not related to compliance with the wireless E911 service requirements established by the FCC Order and any rules and regulations which are or may be adopted by the FCC pursuant to the FCC Order, and any rules and regulations which may be adopted by the FCC with respect to implementation of wireless E911 services.

(ii) The remainder of all funds collected by the board, which shall not be less than seventy percent (70%) of the total funds collected by the board, shall be distributed by the board monthly based on the number of CMRS connections in each ECD for use in providing wireless E911 service, including capital improvements, and in their normal operations. For purposes of distributing the funds to each ECD, every CMRS provider shall identify to the CMRS Board the ECD to which funds should be remitted based on zip code plus four (4) designation, as required by the federal Uniform Sourcing Act.

An ECD board that has within its jurisdiction zip code designations that do not adhere to county lines shall assist CMRS providers in determining the appropriate county to which funds should be distributed.

(d) To contract for the services of accountants, attorneys, consultants, engineers and any other persons, firms or parties the board deems necessary to effectuate the purposes of Sections 19-5-331 through 19-5-341.

(e) To obtain from an independent, third-party auditor retained by the board annual reports to the board no later than sixty (60) days after the close of each fiscal year, which shall provide an accounting for all CMRS service charges deposited into the CMRS Fund during the preceding fiscal year and all disbursements to ECDs during the preceding fiscal year. The board shall provide a copy of the annual reports to the Chairmen of the Public Utilities Committees of the House of Representatives and Senate.

(f) To retain an independent, third-party accountant who shall audit CMRS providers at the discretion of the CMRS Board to verify the accuracy of each CMRS providers' service charge collection. The information obtained by the audits shall be used solely for the purpose of verifying that CMRS providers accurately are collecting and remitting the CMRS service charge and may be used for any legal action initiated by the board against CMRS providers.

(g) To levy interest charges at the legal rate of interest established in Section 75-17-1 on any amount due and outstanding from any CMRS provider who fails to remit service charges in accordance with Section 19-5-335(1).

(h) To promulgate such rules and regulations as may be necessary to effect the provisions of Sections 19-5-331 through 19-5-341.

(i) To make the determinations and disbursements as provided by Section 19-5-333(2)(c).

(j) To maintain a registration database of all CMRS providers and to impose an administrative fine on any provider that fails to comply with the registration requirements in Section 19-5-335.

(3) The CMRS service charge provided in subsection (2)(a) of this section and the service charge provided in Section 19-5-357 to fund the training of public safety telecommunicators shall be the only charges assessed to CMRS customers relating to emergency telephone services.

(4) The board shall serve without compensation; however, members of the board shall be entitled to be reimbursed for actual expenses and travel costs associated with their service in an amount not to exceed the reimbursement authorized for state officers and employees in Section 25-3-41, Mississippi Code of 1972.

(5) It is the Legislature's intent to ensure that the State of Mississippi shall be Phase I compliant by July 1, 2005. For purposes of this subsection, Phase I compliant means the mandate by the FCC that requires any carrier when responding to a PSAP to define and deliver data related to the cell site location and the caller's call-back number.

SECTION 6. Section 19-5-335, Mississippi Code of 1972, is reenacted as follows:

19-5-335. (1) Each CMRS provider shall act as a collection agent for the CMRS Fund and shall, as part of the provider's normal monthly billing process, collect the CMRS service charges levied upon CMRS connections pursuant to Section 19-5-333(2)(a) from each CMRS connection to whom the billing provider provides CMRS service and shall, not later than thirty (30) days after the end of the calendar month in which such CMRS service charges are collected, remit to the board the net CMRS service charges so collected after deducting the fee authorized by subsection (2) of this section. Each billing provider shall list the CMRS service charge as a separate entry on each bill which includes a CMRS service charge.

(2) Each CMRS provider shall be entitled to deduct and retain from the CMRS service charges collected by such provider during each calendar month an amount not to exceed one percent (1%) of the gross aggregate amount of such CMRS service charges so collected as reimbursement for the costs incurred by such provider in collecting, handling and processing such CMRS service charges.

(3) The board shall be entitled to retain from the CMRS service charges collected during each calendar month an amount not to exceed two percent (2%) of the money allocated to the CMRS Fund as reimbursement for the costs incurred by the board in administering Sections 19-5-331 through 19-5-341 including, but not limited to, retaining and paying the independent, third-party auditor to review and disburse the cost recovery funds and to

prepare the reports contemplated by Sections 19-5-331 through 19-5-341.

(4) Each CMRS provider shall register with the CMRS Board and shall provide the following information upon registration:

(a) The company name of the provider;

(b) The marketing name of the provider;

(c) The publicly traded name of the provider;

(d) The physical address of the company headquarters and of the main office located in the State of Mississippi; and

(e) The names and addresses of the providers' board of directors/owners.

Each CMRS provider shall notify the board of any change in the information prescribed in paragraphs (a) through (e). The board may suspend the disbursement of cost recovery funds to, and may impose an administrative fine in an amount not to exceed Ten Thousand Dollars ($10,000.00) on any provider which fails to comply with the provisions of this subsection.

SECTION 7. Section 19-5-337, Mississippi Code of 1972, is reenacted as follows:

19-5-337. All technical proprietary information submitted to the board or to the independent, third-party auditor as provided by Section 19-5-333(2)(d) shall be retained by the board and such auditor in confidence and shall be subject to review only by the board. Further, notwithstanding any other provision of the law, no technical proprietary information so submitted shall be subject

to subpoena or otherwise released to any person other than to the submitting CMRS provider, the board and the aforesaid independent, third-party auditor without the express permission of the administrator and the submitting CMRS provider. General information collected by the aforesaid independent, third-party auditor shall only be released or published in aggregate amounts which do not identify or allow identification of numbers of subscribers of revenues attributable to an individual CMRS provider.

SECTION 8. Section 19-5-339, Mississippi Code of 1972, is reenacted as follows:

19-5-339. In accordance with the Federal Communication Commission Order, no CMRS provider shall be required to provide wireless Enhanced 911 Service until such time as (a) the provider receives a request for such service from the administrator of a Public Safety Answering Point (PSAP) that is capable of receiving and utilizing the data elements associated with the service; (b) funds are available pursuant to Section 19-5-333; and (c) the local exchange carrier is able to support the wireless Enhanced 911 system.

SECTION 9. Section 19-5-341, Mississippi Code of 1972, is reenacted as follows:

19-5-341. Wireless emergency telephone service shall not be used for personal use and shall be used solely for the use of communications by the public. Any person who knowingly uses or

attempts to use wireless emergency telephone service for a purpose other than obtaining public safety assistance, or who knowingly uses or attempts to use wireless emergency telephone service in an effort to avoid any CMRS charges, is guilty of a misdemeanor and shall be subject to a fine of not more than Five Hundred Dollars ($500.00) or imprisonment of not more than thirty (30) days in the county jail, or both such fine and imprisonment. If the value of the CMRS charge or service obtained in a manner prohibited by this section exceeds One Hundred Dollars ($100.00), the offense may be prosecuted as a felony and punishable by a fine of not more than Five Thousand Dollars ($5,000.00) and imprisonment of not more than three (3) years, or both such fine and imprisonment.

SECTION 10. Section 19-5-353, Mississippi Code of 1972, is reenacted as follows:

19-5-353. (1) The initial minimum standard of training for local public safety and 911 telecommunicators shall be determined by the Board of Emergency Telecommunications Standards and Training. All courses approved for minimum standards shall be taught by instructors certified by the course originator as instructors for such courses.

(2) The minimum standards may be changed at any time by the Board of Emergency Telecommunications Standards and Training, but shall always include at least two (2) hours of training related to handling complaints and/or calls of human trafficking and commercial sexual exploitation of children as defined in Section

43-21-105, communicating with such victims and requiring the local public safety and 911 telecommunicators to contact the Department of Child Protection Services when human trafficking or commercial sexual exploitation is suspected.

(3) Changes in the minimum standards may be made upon request from any bona fide public safety, emergency medical or fire organization operating within the State of Mississippi. Requests for change shall be in writing submitted to either the State Law Enforcement Training Academy; the State Fire Academy; the Mississippi Chapter of the Associated Public Safety Communications Officers, Incorporated; the Mississippi Chapter of the National Emergency Number Association; the Mississippi State Board of Health, Emergency Medical Services Division; the Mississippi Justice Information Center; the Mississippi Sheriff's Association; the Mississippi Fire Chief's Association; the Mississippi Association of Chiefs of Police; or Mississippians for Emergency Medical Services.

(4) The minimum standards in no way are intended to restrict or limit any additional training which any department or agency may wish to employ, or any state or federal required training, but to serve as a basis or foundation for basic training.

(5) Persons in the employment of any public safety, fire, 911 PSAP or emergency medical agency as a telecommunicator on July 1, 1993, shall have three (3) years to be certified in the minimum

standards courses provided they have been employed by such agency for a period of more than one (1) year prior to July 1, 1993.

(6) Persons having been employed by any public safety, fire, 911 PSAP or emergency medical agency as a telecommunicator for less than one (1) year prior to July 1, 1993, shall be required to have completed all the requirements for minimum training standards, as set forth in Sections 19-5-351 through 19-5-361, within one (1) year from July 1, 1993. Persons certified on or before July 1, 1993, in any course or courses chosen shall be given credit for these courses, provided the courses are still current and such persons can provide a course completion certificate.

(7) Any person hired to perform the duties of a telecommunicator in any public safety, fire, 911 PSAP or emergency medical agency after July 1, 1993, shall complete the minimum training standards as set forth in Sections 19-5-351 through 19-5-361 within twelve (12) months of their employment or within twelve (12) months from the date that the Board of Emergency Telecommunications Standards and Training shall become operational.

(8) Professional certificates remain the property of the board, and the board reserves the right to either reprimand the holder of a certificate, suspend a certificate upon conditions imposed by the board, or cancel and recall any certificate when:

(a) The certificate was issued by administrative error;

(b) The certificate was obtained through misrepresentation or fraud;

(c) The holder has been convicted of any crime involving moral turpitude;

(d) The holder has been convicted of a felony; or

(e) Other due cause as determined by the board.

When the board believes there is a reasonable basis for either the reprimand, suspension, cancellation of, or recalling the certification of a telecommunicator, notice and opportunity for a hearing shall be provided. Any telecommunicator aggrieved by the findings and order of the board may file an appeal with the chancery court of the county in which such person is employed from the final order of the board. Any telecommunicator whose certification has been cancelled pursuant to Sections 19-5-351 through 19-5-361 may reapply for certification but not sooner than two (2) years after the date on which the order of the board canceling such certification became final.

(9) Any state agency, political subdivision or "for-profit" ambulance, security or fire service company that employs a person as a telecommunicator who does not meet the requirements of Sections 19-5-351 through 19-5-361, or that employs a person whose certificate has been suspended or revoked under provisions of Sections 19-5-351 through 19-5-361, is prohibited from paying the salary of such person, and any person violating this subsection shall be personally liable for making such payment.

(10) These minimum standards and time limitations shall in no way conflict with other state and federal training as may be required to comply with established laws or regulations.

SECTION 11. Section 19-5-357, Mississippi Code of 1972, is reenacted as follows:

19-5-357. (1) From and after July 1, 1993, a service charge of Five Cents (5¢) shall be placed on each subscriber service line within the State of Mississippi. This service charge shall apply equally to both private and business lines and shall apply to all service suppliers operating within the State of Mississippi. This subscriber service charge level shall be reviewed periodically to determine if the service charge level is adequate or excessive, and adjustments may be made accordingly.

(2) Every billed service user shall be liable for any service charge imposed under this section until it has been paid to the service supplier. The duty of the service supplier to collect any such service charge shall commence upon the date of its implementation. Any such minimum standards telephone service charge shall be added to, and may be stated separately in, the billing by the service supplier to the service user.

(3) The service supplier shall have no obligation to take any legal action to enforce the collection of any emergency telephone service charge. However, the service supplier shall annually provide the Board of Emergency Telecommunications Standards and Training with a list of the amount uncollected,

together with the names and addresses of those service users who carry a balance that can be determined by the service supplier to be nonpayment of such service charge. The service charge shall be collected at the same time as the tariff rate in accordance with the regular billing practice of the service supplier. Good faith compliance by the service supplier with this provision shall constitute a complete defense to any legal action which may result from the service supplier's determination of nonpayment and/or the identification of service users in connection therewith.

(4) The amounts collected by the service supplier attributable to the minimum standards telephone service charge shall be deposited monthly into a special fund hereby created in the State Treasury. The amount of service charge collected each month by the service supplier shall be remitted to the special fund no later than sixty (60) days after the close of the month. A return, in such form as prescribed by the Department of Revenue, shall be filed with the Department of Revenue, together with a remittance of the amount of service charge collected payable to the special fund. The service supplier shall maintain records of the amount of service charge collected for a period of at least three (3) years from date of collection. From the gross receipts to be remitted to the special fund, the service supplier shall be entitled to retain as an administrative fee, an amount equal to one percent (1%) thereof. This service charge is a state fee and is not subject to any sales, use, franchise, income, excise or any

other tax, fee or assessment, and shall not be considered revenue of the service supplier for any purpose. All administrative provisions of the Mississippi Sales Tax Law, including those which fix damages, penalties and interest for nonpayment of taxes and for noncompliance with the provisions of such chapter, and all other duties and requirements imposed upon taxpayers, shall apply to all persons liable for fees under the provisions of this chapter, and the Commissioner of Revenue shall exercise all the power and authority and perform all the duties with respect to taxpayers under this chapter as are provided in the Mississippi Sales Tax Law except where there is a conflict, then the provisions of this chapter shall control.

(5) The proceeds generated by the minimum standards service charge shall primarily be used by the board pursuant to legislative appropriation to fund the minimum standards training program for public safety telecommunicators within the State of Mississippi. These funds shall be applied on a first-come first-served basis, which shall be determined by the date of application. All city, county and state public safety telecommunicators, including those employed by city and/or county supported ambulance services and districts, shall be eligible to receive these funds to meet minimum standards training requirements. No "for-profit" ambulance, security or fire service company operating in the private sector shall be qualified to receive these minimum standards training funds unless the company

is on contract with a local government to provide primary emergency response. Law enforcement officers, fire and emergency medical personnel who are used as part-time or "fill-in" telecommunicators shall also be eligible to receive funding for this minimum standards training, provided they serve at least eight (8) hours per month as a telecommunicator. However, emergency medical personnel who are used as part-time or "fill-in" telecommunicators and are employed by any for-profit ambulance company operating in the private sector shall be eligible to receive funding for the minimum standards training, provided they serve at least twenty (20) hours per week as a telecommunicator. These funds may also be expended by the Board of Emergency Telecommunications Standards and Training to administer the minimum standards program for such things as personnel, office equipment, computer software, supplies and other necessary expenses.

(6) The Board of Emergency Telecommunications Standards and Training shall be authorized to reimburse any public safety agency or emergency medical service for meals, lodging, travel, course fees and salary during the time spent training, upon successful completion of such course. Funds may also be expended to train certain individuals to become certified instructors of the various courses included in these minimum standards in order to conduct training within the State of Mississippi.

(7) If the proceeds generated by the minimum standards service charge exceed the amount of monies necessary to fund the service, the Board of Emergency Telecommunications Standards and Training may authorize such excess funds to be available for advanced training, upgraded training and recertification of instructors. Any funds remaining at the close of any fiscal year shall not lapse into the State General Fund but shall be carried over to the next fiscal year to be used as a beginning balance for the fiscal requirements of such year.

SECTION 12. Section 19-5-359, Mississippi Code of 1972, is reenacted as follows:

19-5-359. (1) Any service supplier operating within the State of Mississippi shall be required to provide access to the locally designated PSAP by dialing the three (3) digits "911" from any telephone subscriber line within such service area. Where technically available, each service supplier shall, at a county's request, provide "Enhanced 911" services. Where this capability does not technically exist, "Basic 911" shall be available as a minimum.

(2) From and after December 31, 1993, any person, corporation or entity operating a "shared tenant service" type of telephone system shall be required to provide as a minimum the location and telephone number information for each and every extension or user on such "shared tenant" system to the regulated local exchange telephone service provider where the service

provider can utilize such information in the delivery of "Enhanced 911" emergency telephone service. This information shall consist of data in a format that is compatible with the service supplier's requirements in order to provide such location and telephone number information automatically in the event a call to 911 is placed from such a system. It shall be the responsibility of the operator or provider of "STS" telephone services to maintain the data pertaining to each extension operating on such system.

(3) Any CMRS providers operating within the State of Mississippi shall be required to have all trunks or service lines supplying all cellular sites and personal communications network sites contain the word "cellular" in the service supplier listing for each trunk or service line to facilitate operator identification of cellular and PCN telephone calls placed to 911.

(4) Any service suppliers engaged in the offering or operating of "Centrex" or "ESSX" telephone service within the State of Mississippi shall cause the actual location of all extensions operating in this service to be displayed at the PSAP whenever a 911 call is placed from said extension. This feature shall not be required in areas where Enhanced 911 is not in operation but shall be required should such area upgrade to Enhanced 911 service.

(5) Any local exchange telephone service suppliers offering "quick-serve" or "soft" dial tone shall provide address location information to the PSAP operating in the area where the

"quick-serve" or "soft" dial tone is in operation so that the PSAP may have this address information displayed should a call to 911 be placed from such location. It shall be the responsibility of the service supplier to determine in which emergency service number area the "quick-serve" or "soft" dial tone is located.

(6) Any service suppliers operating within the State of Mississippi and providing Enhanced 911 telephone service shall have a reasonable time period, not to exceed five (5) years, to comply with data and operational standards as they are set forth by the National Emergency Number Association. This time period shall apply to data format, equipment supplied for PSAP use and for the length of time required for data updates relating to service user address information, emergency service number updates and other data updates as may be required.

SECTION 13. Section 19-5-361, Mississippi Code of 1972, is reenacted as follows:

19-5-361. Any Emergency 911 service supplier, Emergency 911 Voice over Internet Protocol service supplier, and Emergency 911 CMRS provider operating within the State of Mississippi, its employees, directors, officers, agents and subcontractors, shall be entitled to receive the limitations of liability as provided to the state, or any agency or local government of the state, pursuant to Section 11-46-15, Mississippi Code of 1972.

SECTION 14. Section 19-5-371, Mississippi Code of 1972, is amended as follows:

19-5-371. Sections 19-5-303, 19-5-313, 19-5-319, 19-5-331, 19-5-333, 19-5-335, 19-5-337, 19-5-339, 19-5-341, 19-5-353, 19-5-357, 19-5-359 and 19-5-361 shall stand repealed from and after July 1, * * * 2024.

SECTION 15. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 100

Description: MS Telephone Solicitation Act; extend repealer on requirement that fees be deposited into State General Fund.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(H)	Referred To Accountability, Efficiency, Transparency; Appropriations
2	01/28	(H)	DR - TSDP: AC To AP
3	02/02	(H)	DR - TSDP: AP To AC
4	02/02	(H)	Title Suff Do Pass
5	02/10	(H)	Read the Third Time
6	02/11	(H)	Passed {Vote}
7	02/12	(H)	Transmitted To Senate
8	02/16	(S)	Referred To Accountability, Efficiency, Transparency
9	03/01	(S)	Title Suff Do Pass
10	03/09	(S)	Passed {Vote}
11	03/10	(S)	Returned For Enrolling
12	03/11	(H)	Enrolled Bill Signed
13	03/12	(S)	Enrolled Bill Signed
14	03/17		Approved by Governor

Code Section: A 077-0003-0721

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency, Appropriations
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Turner

Title: AN ACT TO AMEND SECTION 77-3-721, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT REQUIRES ALL USER FEES AND CHARGES COLLECTED UNDER THE MISSISSIPPI TELEPHONE SOLICITATION ACT TO BE DEPOSITED INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 100

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Turner

To: Accountability, Efficiency, Transparency; Appropriations

HOUSE BILL NO. 100

AN ACT TO AMEND SECTION 77-3-721, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE STATUTE THAT REQUIRES ALL USER FEES AND CHARGES COLLECTED UNDER THE MISSISSIPPI TELEPHONE SOLICITATION ACT TO BE DEPOSITED INTO THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 77-3-721, Mississippi Code of 1972, is amended as follows:

77-3-721. All fees collected under the provisions of this article shall be deposited into a special fund which is created in the State Treasury to be expended by the commission for the implementation and administration of this article. From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund, and all user charges and fees authorized under this * * * article shall be deposited into the State General Fund as authorized by law and as determined by the State Fiscal Officer.

This section shall stand repealed on July 1, * * * 2024.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 135

Description: MS Critical Teacher Shortage Act of 1998; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(H) Referred To Education
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/16	(S) Referred To Education
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: RA 037-0159-0001, R 037-0159-0005, RA 037-0159-0007, R 037-0159-0009, R 037-0159-0011, R 037-0159-0013, R 037-0159-0017, A 037-0159-0019

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Turner
Additional Authors: Anthony, Hudson, McLean, Sanford

Title: AN ACT TO REENACT SECTIONS 37-159-1, 37-159-5, 37-159-7, 37-159-9, 37-159-11, 37-159-13 AND 37-159-17, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998 AND INCLUDE THE UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION GRANT PROGRAM, THE MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM, AND A PILOT PROGRAM TO PROVIDE FOR THE CONSTRUCTION OF RENTAL HOUSING FOR TEACHERS IN WEST TALLAHATCHIE SCHOOL DISTRICT; TO AMEND REENACTED SECTIONS 37-159-1 AND 37-159-7, MISSISSIPPI CODE OF 1972, TO MAKE NONSUBSTANTIVE

REVISIONS TO OUTDATED STATUTORY LANGUAGE; TO AMEND SECTION 37-159-19, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 135

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Turner, Anthony, Hudson, McLean, Sanford

To: Education

HOUSE BILL NO. 135

AN ACT TO REENACT SECTIONS 37-159-1, 37-159-5, 37-159-7, 37-159-9, 37-159-11, 37-159-13 AND 37-159-17, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998 AND INCLUDE THE UNIVERSITY ASSISTED TEACHER RECRUITMENT AND RETENTION GRANT PROGRAM, THE MISSISSIPPI EMPLOYER-ASSISTED HOUSING TEACHER PROGRAM, AND A PILOT PROGRAM TO PROVIDE FOR THE CONSTRUCTION OF RENTAL HOUSING FOR TEACHERS IN WEST TALLAHATCHIE SCHOOL DISTRICT; TO AMEND REENACTED SECTIONS 37-159-1 AND 37-159-7, MISSISSIPPI CODE OF 1972, TO MAKE NONSUBSTANTIVE REVISIONS TO OUTDATED STATUTORY LANGUAGE; TO AMEND SECTION 37-159-19, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE MISSISSIPPI CRITICAL TEACHER SHORTAGE ACT OF 1998; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-159-1, Mississippi Code of 1972, is reenacted and amended as follows:

37-159-1. * * * Sections 37-159-1 through 37-159-19 shall be known and may be cited as the "Mississippi Critical Teacher Shortage Act of 1998."

SECTION 2. Section 37-159-5, Mississippi Code of 1972, is reenacted as follows:

37-159-5. The State Board of Education shall prescribe rules and regulations which, subject to available appropriations, allow

for reimbursement to the state licensed teachers, from both in state and out of state, who enter into a contract for employment in a school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for the expense of moving when the employment necessitates the relocation of the teacher to a different geographical area than that in which the teacher resides before entering into such contract. In order to be eligible for the reimbursement, the teacher must apply to the local district and the district must obtain the prior approval from the department for reimbursement before the relocation occurs. If the reimbursement is approved, the department shall provide funds to the school district to reimburse the teacher an amount not to exceed One Thousand Dollars ($1,000.00) for the documented actual expenses incurred in the course of relocating, including the expense of any professional moving company or persons employed to assist with the move, rented moving vehicles or equipment, mileage in the amount authorized for state employees under Section 25-3-41 if the teacher used his personal vehicle or vehicles for the move, meals and such other expenses associated with the relocation in accordance with the department's established rules and regulations. No teacher may be reimbursed for moving expenses under this section on more than one (1) occasion.

Nothing in this section shall be construed to require the actual residence to which the teacher relocates to be within the boundaries of the school district which has executed a contract for employment with the teacher or within the boundaries of the area designated by the State Board of Education as the critical teacher shortage area in order for the teacher to be eligible for reimbursement for his moving expenses. However, teachers must relocate within the boundaries of the State of Mississippi.

SECTION 3. Section 37-159-7, Mississippi Code of 1972, is reenacted and amended as follows:

37-159-7. The school board of any school district situated within a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, in its discretion, may reimburse persons who interview for employment as a licensed teacher with the district for the mileage and other actual expenses incurred in the course of travel to and from the interview by such persons at the rate authorized for county and municipal employees under Section 25-3-41. Any reimbursement by a school board under this section shall be paid from * * * funds other than adequate education program funds.

SECTION 4. Section 37-159-9, Mississippi Code of 1972, is reenacted as follows:

37-159-9. (1) There is established the University Assisted Teacher Recruitment and Retention Grant Program within the State Department of Education. The purposes of the program shall be to

attract additional qualified teachers to those geographical areas of the state where there exists a critical shortage of teachers and to retain the qualified teachers already serving as licensed teachers in geographical critical teacher shortage areas by making available scholarships to persons working towards a Master of Education degree or an Educational Specialist degree at an institution of higher learning whose teacher education program is approved by the State Board of Education.

(2) Any institution of higher learning in the State of Mississippi which offers a Master of Education degree or an Educational Specialist degree may apply to the department for participation in the program. As part of the program, participating institutions shall collaborate with the Mississippi Teacher Center to identify, recruit and place teacher education graduates, from both within the state and out of state, in school districts situated within those areas of the state where there exists a critical shortage of teachers, as designated by the State Board of Education.

(3) The State Department of Education shall provide funds to participating institutions of higher learning for the purpose of awarding scholarships to qualified persons pursuing a Master of Education degree or an Educational Specialist degree at such institutions while rendering service to the state as a licensed teacher in a school district in a geographical area of the state where there exists a critical shortage of teachers, as approved by

the State Board of Education. The financial scholarship shall be applied to the total cost for tuition, books, materials and fees at the institution in which the student is enrolled, not to exceed an amount equal to the highest total cost of tuition, books, materials and fees assessed by a state institution of higher learning during that school year. Teachers who relocate within Mississippi from out of state in order to participate in the program shall be classified as residents of the state for tuition purposes.

(4) Students awarded financial scholarships under the University Assisted Teacher Recruitment and Retention Grant Program may receive such awards for a maximum of four (4) school years; however, the maximum number of awards which may be made shall not exceed the length of time required to complete the number of academic hours necessary to obtain a Master of Education degree or an Educational Specialist degree. Financial scholarships under the program shall not be based upon an applicant's eligibility for financial aid.

(5) Persons relocating to a geographical area of the state where there exists a critical shortage of teachers, as approved by the State Board of Education, to participate in the University Assisted Teacher Recruitment and Retention Grant Program shall be eligible for reimbursement for their moving expenses to the critical teacher shortage area from the State Board of Education. The State Board of Education shall promulgate rules and

regulations necessary for the administration of the relocation expense reimbursement component of the University Assisted Teacher Recruitment and Retention Grant Program.

(6) Subject to the availability of funds, the State Board of Education may provide for professional development and support services as may be necessary for the retention of teachers participating in the program in those geographical areas of the state where there exists a critical shortage of teachers.

(7) Any person participating in the program who fails to complete a program of study that will enable that person to obtain a Master of Education degree or Educational Specialist degree shall become liable immediately to the State Board of Education for the sum of all awards made to that person under the program, plus interest accruing at the current Stafford Loan rate at the time the person abrogates his participation in the program.

(8) As a condition for participation in the program, a teacher shall agree to employment as a licensed teacher in a school district located in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, for a period of not less than three (3) years, which shall include those years of service rendered while obtaining the Master of Education degree or Educational Specialist degree. However, for any person who obtained a Baccalaureate degree in education with a financial scholarship under the Critical Needs Teacher Scholarship Program and who entered the

University Assisted Teacher Recruitment and Retention Grant Program before rendering service as a teacher, the period of employment for the purposes of this subsection shall be two (2) years, in addition to the employment commitment required under the Critical Needs Teacher Scholarship Program. Service rendered by a participant as a licensed teacher in a school district in a geographical critical teacher shortage area before that teacher becomes a participant in the program may not be considered to fulfill the employment commitment required under this subsection. Any person failing to comply with this employment commitment in any required school year shall immediately be in breach of contract and become liable immediately to the State Department of Education for the sum of all scholarships awarded and relocation expenses granted to that person, less one-third (1/3) of the amount of that sum for each year that service was rendered, or for those persons whose required period of employment is two (2) years, less one-half (1/2) of the amount of that sum for each year that service was rendered, plus interest accruing at the current Stafford Loan rate at the time the breach occurs, except in the case of a deferral for cause by the State Board of Education when there is no employment position immediately available upon the teacher's obtaining of the Master of Education degree or Educational Specialist degree. After the period of such deferral, the person shall begin or resume the required teaching duties or shall become liable to the board under this subsection. If a

claim for repayment under this subsection is placed in the hands of an attorney for collection after default, then the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(9) All funds received by the State Department of Education from the repayment of scholarship awards and relocation expenses by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

(10) The State Board of Education shall promulgate rules and regulations necessary for the proper administration of the University Assisted Teacher Recruitment and Retention Grant Program.

SECTION 5. Section 37-159-11, Mississippi Code of 1972, is reenacted as follows:

37-159-11. (1) There is established the Mississippi Employer-Assisted Housing Teacher Program, which shall be a special home loan program for eligible licensed teachers who render service to the state in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. The home loan program shall be administered by the State Department of Education. The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) Participation in the loan program shall be available to any licensed teacher who renders service in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education. Any person who receives a loan under the program shall be required to purchase a house and reside in a county in which the school district for which the teacher is rendering service, or any portion of the school district, is located. The maximum amount of a loan that may be made under the program to any person shall be Six Thousand Dollars ($6,000.00).

(3) Any loan made under the program to a person who actually renders service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be converted to an interest-free grant on the basis of one (1) year's service for one-third (1/3) of the amount of the loan. Any person who does not render three (3) years' service as a teacher in a geographical area of the state where there exists a critical shortage of teachers, as designated by the State Board of Education, shall be liable to the State Department of Education for one-third (1/3) of the amount of the loan for each year that he does not render such service, plus interest accruing at the current Stafford Loan rate at the time the person discontinues his service. If a claim for repayment under this subsection is placed in the hands of an

attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) All funds received by the State Department of Education as repayment of loans by program participants shall be deposited in the Mississippi Critical Teacher Shortage Fund.

SECTION 6. Section 37-159-13, Mississippi Code of 1972, is reenacted as follows:

37-159-13. (1) There is established a pilot program to provide for the construction of rental housing units for teachers in the West Tallahatchie School District, which pilot program shall be administered by the State Department of Education. The department may contract with one or more public or private entities to provide assistance in implementing and administering the program. The State Board of Education shall adopt rules and regulations regarding the implementation and administration of the program.

(2) The West Tallahatchie School District shall receive proposals from developers for the construction of the rental housing units, and submit its recommendation to the State Department of Education about which developer should construct the units. The department shall make the final determination about the developer that will construct the units.

(3) After selection of the developer, the department shall loan the developer not more than Two Hundred Thousand Dollars ($200,000.00) for construction of the units. The interest rate on

the loan shall be equal to one percent (1%) below the discount rate at the Federal Reserve Bank in the Federal Reserve district in which the school district is located, and the loan shall be repaid in not more than fifteen (15) years, as determined by the department. All funds received by the department as repayment of the principal and interest of the loan shall be deposited in the Mississippi Critical Teacher Shortage Fund. If a claim against the developer for repayment is placed in the hands of an attorney for collection, the obligor shall be liable for an additional amount equal to a reasonable attorney's fee.

(4) The developer shall operate the rental housing units. For a period of ten (10) years or until such time as the loan to the developer is repaid, whichever is longer, the priority for residence in the units shall be given first to teachers employed by the school district, then to other licensed school district employees, and then to any other school district employees.

SECTION 7. Section 37-159-17, Mississippi Code of 1972, is reenacted as follows:

37-159-17. There is established in the State Treasury a special fund to be designated the "Mississippi Critical Teacher Shortage Fund," into which shall be deposited those funds appropriated by the Legislature, and any other funds that may be made available, for the purpose of implementing the programs established under Sections 37-159-5, 37-9-77, 37-3-91 and 37-159-9 through 37-159-13. Money in the fund at the end of a fiscal year

shall not lapse into the General Fund, and interest earned on any amounts deposited into the fund shall be credited to the special fund.

SECTION 8. Section 37-159-19, Mississippi Code of 1972, is amended as follows:

37-159-19. Sections 37-159-1 through 37-159-17 shall stand repealed on July 1, * * * 2024.

SECTION 9. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 189

Description: Mississippi Persian Gulf War Memorial; authorize MSVA to move to another appropriate location.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(H) Referred To Military Affairs
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/17	(S) Referred To Veterans and Military Affairs
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 035-0001-0043

----- Additional Information -----

House Committee: Military Affairs
Senate Committee: Veterans and Military Affairs

Principal Author: Carpenter
Additional Authors: Newman

Title: AN ACT TO AMEND SECTION 35-1-43, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD TO MOVE THE MISSISSIPPI PERSIAN GULF WAR MEMORIAL FROM THE VETERANS MEMORIAL CEMETERY IN NEWTON, MISSISSIPPI, TO ANOTHER APPROPRIATE LOCATION; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 189

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Carpenter, Newman To: Military Affairs

HOUSE BILL NO. 189

AN ACT TO AMEND SECTION 35-1-43, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD TO MOVE THE MISSISSIPPI PERSIAN GULF WAR MEMORIAL FROM THE VETERANS MEMORIAL CEMETERY IN NEWTON, MISSISSIPPI, TO ANOTHER APPROPRIATE LOCATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-1-43, Mississippi Code of 1972, is amended as follows:

35-1-43. (1) The State Veterans Affairs Board may establish, operate and maintain a Mississippi Persian Gulf War Memorial on the grounds of the Mississippi Veterans Memorial Cemetery in Newton County, Mississippi. The Mississippi State Veterans Affairs Board is authorized to move the Mississippi Persian Gulf War Memorial to another appropriate location and make necessary expenditures therefor from the Mississippi Persian Gulf War Memorial Fund. The purpose of the memorial is to honor and commemorate the sacrifices and service of United States Armed Forces personnel from Mississippi who have served or will serve in the Persian Gulf War between August 2, 1990, and the date on which

the conflict is declared to be over, as established by law or presidential proclamation.

(2) The State Veterans Affairs Board is designated the agency of this state to receive any aid or funds from any source for the purpose of establishing, operating and maintaining the Persian Gulf War Memorial. The board may receive gifts, contributions, bequests and individual reimbursements from any source, the receipt of which shall not exclude any other source of revenue.

(3) There is created in the State Treasury a special fund to be known as the "Mississippi Persian Gulf War Memorial Fund." All funds received by the board under subsection (2) must be deposited into the special fund and expended by the board to establish, operate and maintain the Mississippi Persian Gulf War Memorial.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 200

Description: Remote patient monitoring services; delete requirement of 2 recent hospitalizations to qualify for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/14	(H) Referred To Public Health and Human Services
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/16	(S) Referred To Public Health and Welfare
7	03/02	(S) Title Suff Do Pass
8	03/03	(S) Passed {Vote}
9	03/04	(S) Returned For Enrolling
10	03/04	(H) Enrolled Bill Signed
11	03/04	(S) Enrolled Bill Signed
12	03/10	Approved by Governor

Code Section: A 083-0009-0353

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: Mims

Title: AN ACT TO AMEND SECTION 83-9-353, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT QUALIFYING PATIENTS FOR REMOTE PATIENT MONITORING SERVICES MUST HAVE HAD TWO OR MORE HOSPITALIZATIONS IN THE LAST TWELVE MONTHS; TO DELETE THE REQUIREMENT THAT A PRIOR AUTHORIZATION REQUEST FORM MUST BE SUBMITTED TO REQUEST TELEMONITORING SERVICES; TO PROVIDE THAT IF PRIOR AUTHORIZATION IS REQUIRED THE REQUEST FORM MUST INCLUDE CERTAIN INFORMATION; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 200

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Mims

To: Public Health and Human Services

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 200

AN ACT TO AMEND SECTION 83-9-353, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT QUALIFYING PATIENTS FOR REMOTE PATIENT MONITORING SERVICES MUST HAVE HAD TWO OR MORE HOSPITALIZATIONS IN THE LAST TWELVE MONTHS; TO DELETE THE REQUIREMENT THAT A PRIOR AUTHORIZATION REQUEST FORM MUST BE SUBMITTED TO REQUEST TELEMONITORING SERVICES; TO PROVIDE THAT IF PRIOR AUTHORIZATION IS REQUIRED THE REQUEST FORM MUST INCLUDE CERTAIN INFORMATION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 83-9-353, Mississippi Code of 1972, is amended as follows:

83-9-353. (1) As used in this section:

(a) "Employee benefit plan" means any plan, fund or program established or maintained by an employer or by an employee organization, or both, to the extent that such plan, fund or program was established or is maintained for the purpose of providing for its participants or their beneficiaries, through the purchase of insurance or otherwise, medical, surgical, hospital care or other benefits.

(b) "Health insurance plan" means any health insurance policy or health benefit plan offered by a health insurer, and

includes the State and School Employees Health Insurance Plan and any other public health care assistance program offered or administered by the state or any political subdivision or instrumentality of the state. The term does not include policies or plans providing coverage for specified disease or other limited benefit coverage.

(c) "Health insurer" means any health insurance company, nonprofit hospital and medical service corporation, health maintenance organization, preferred provider organization, managed care organization, pharmacy benefit manager, and, to the extent permitted under federal law, any administrator of an insured, self-insured or publicly funded health care benefit plan offered by public and private entities, and other parties that are by statute, contract, or agreement, legally responsible for payment of a claim for a health care item or service.

(d) "Store-and-forward telemedicine services" means the use of asynchronous computer-based communication between a patient and a consulting provider or a referring health care provider and a medical specialist at a distant site for the purpose of diagnostic and therapeutic assistance in the care of patients who otherwise have no access to specialty care. Store-and-forward telemedicine services involve the transferring of medical data from one (1) site to another through the use of a camera or similar device that records (stores) an image that is sent

(forwarded) via telecommunication to another site for consultation.

(e) "Remote patient monitoring services" means the delivery of home health services using telecommunications technology to enhance the delivery of home health care, including:

(i) Monitoring of clinical patient data such as weight, blood pressure, pulse, pulse oximetry and other condition-specific data, such as blood glucose;

(ii) Medication adherence monitoring; and

(iii) Interactive video conferencing with or without digital image upload as needed.

(f) "Mediation adherence management services" means the monitoring of a patient's conformance with the clinician's medication plan with respect to timing, dosing and frequency of medication-taking through electronic transmission of data in a home telemonitoring program.

(2) Store-and-forward telemedicine services allow a health care provider trained and licensed in his or her given specialty to review forwarded images and patient history in order to provide diagnostic and therapeutic assistance in the care of the patient without the patient being present in real time. Treatment recommendations made via electronic means shall be held to the same standards of appropriate practice as those in traditional provider-patient setting.

(3) Any patient receiving medical care by store-and-forward telemedicine services shall be notified of the right to receive interactive communication with the distant specialist health care provider and shall receive an interactive communication with the distant specialist upon request. If requested, communication with the distant specialist may occur at the time of the consultation or within thirty (30) days of the patient's notification of the request of the consultation. Telemedicine networks unable to offer the interactive consultation shall not be reimbursed for store-and-forward telemedicine services.

(4) Remote patient monitoring services aim to allow more people to remain at home or in other residential settings and to improve the quality and cost of their care, including prevention of more costly care. Remote patient monitoring services via telehealth aim to coordinate primary, acute, behavioral and long-term social service needs for high-need, high-cost patients. Specific patient criteria must be met in order for reimbursement to occur.

(5) Qualifying patients for remote patient monitoring services must meet all the following criteria:

(a) Be diagnosed, in the last eighteen (18) months, with one or more chronic conditions, as defined by the Centers for Medicare and Medicaid Services (CMS), which include, but are not limited to, sickle cell, mental health, asthma, diabetes, and heart disease; and

(b) * * * The patient's health care provider recommends disease management services via remote patient monitoring.

(6) A remote patient monitoring prior authorization request form * * * may be required for approval of telemonitoring services. If prior authorization is required, the request form must include the following:

(a) An order for home telemonitoring services, signed and dated by the prescribing physician;

(b) A plan of care, signed and dated by the prescribing physician, that includes telemonitoring transmission frequency and duration of monitoring requested;

(c) The client's diagnosis and risk factors that qualify the client for home telemonitoring services;

(d) Attestation that the client is sufficiently cognitively intact and able to operate the equipment or has a willing and able person to assist in completing electronic transmission of data; and

(e) Attestation that the client is not receiving duplicative services via disease management services.

(7) The entity that will provide the remote monitoring must be a Mississippi-based entity and have protocols in place to address all of the following:

(a) Authentication and authorization of users;

(b) A mechanism for monitoring, tracking and responding to changes in a client's clinical condition;

(c) A standard of acceptable and unacceptable parameters for client's clinical parameters, which can be adjusted based on the client's condition;

(d) How monitoring staff will respond to abnormal parameters for client's vital signs, symptoms and/or lab results;

(e) The monitoring, tracking and responding to changes in client's clinical condition;

(f) The process for notifying the prescribing physician for significant changes in the client's clinical signs and symptoms;

(g) The prevention of unauthorized access to the system or information;

(h) System security, including the integrity of information that is collected, program integrity and system integrity;

(i) Information storage, maintenance and transmission;

(j) Synchronization and verification of patient profile data; and

(k) Notification of the client's discharge from remote patient monitoring services or the de-installation of the remote patient monitoring unit.

(8) The telemonitoring equipment must:

(a) Be capable of monitoring any data parameters in the plan of care; and

(b) Be a FDA Class II hospital-grade medical device.

(9) Monitoring of the client's data shall not be duplicated by another provider.

(10) To receive payment for the delivery of remote patient monitoring services via telehealth, the service must involve:

(a) An assessment, problem identification, and evaluation that includes:

(i) Assessment and monitoring of clinical data including, but not limited to, appropriate vital signs, pain levels and other biometric measures specified in the plan of care, and also includes assessment of response to previous changes in the plan of care; and

(ii) Detection of condition changes based on the telemedicine encounter that may indicate the need for a change in the plan of care.

(b) Implementation of a management plan through one or more of the following:

(i) Teaching regarding medication management as appropriate based on the telemedicine findings for that encounter;

(ii) Teaching regarding other interventions as appropriate to both the patient and the caregiver;

(iii) Management and evaluation of the plan of care including changes in visit frequency or addition of other skilled services;

(iv) Coordination of care with the ordering health care provider regarding telemedicine findings;

(v) Coordination and referral to other medical providers as needed; and

(vi) Referral for an in-person visit or the emergency room as needed.

(11) The telemedicine equipment and network used for remote patient monitoring services should meet the following requirements:

(a) Comply with applicable standards of the United States Food and Drug Administration;

(b) Telehealth equipment be maintained in good repair and free from safety hazards;

(c) Telehealth equipment be new or sanitized before installation in the patient's home setting;

(d) Accommodate non-English language options; and

(e) Have 24/7 technical and clinical support services available for the patient user.

(12) All health insurance and employee benefit plans in this state must provide coverage and reimbursement for the asynchronous telemedicine services of store-and-forward telemedicine services and remote patient monitoring services based on the criteria set out in this section. Store-and-forward telemedicine services shall be reimbursed to the same extent that the services would be covered if they were provided through in-person consultation.

(13) Remote patient monitoring services shall include reimbursement for a daily monitoring rate at a minimum of Ten

Dollars ($10.00) per day each month and Sixteen Dollars ($16.00) per day when medication adherence management services are included, not to exceed thirty-one (31) days per month. These reimbursement rates are only eligible to Mississippi-based telehealth programs affiliated with a Mississippi health care facility.

(14) A one-time telehealth installation/training fee for remote patient monitoring services will also be reimbursed at a minimum rate of Fifty Dollars ($50.00) per patient, with a maximum of two (2) installation/training fees/calendar year. These reimbursement rates are only eligible to Mississippi-based telehealth programs affiliated with a Mississippi health care facility.

(15) No geographic restrictions shall be placed on the delivery of telemedicine services in the home setting other than requiring the patient reside within the State of Mississippi.

(16) Health care providers seeking reimbursement for store-and-forward telemedicine services must be licensed Mississippi providers that are affiliated with an established Mississippi health care facility in order to qualify for reimbursement of telemedicine services in the state. If a service is not available in Mississippi, then a health insurance or employee benefit plan may decide to allow a non-Mississippi-based provider who is licensed to practice in Mississippi reimbursement for those services.

(17) A health insurance or employee benefit plan may charge a deductible, co-payment, or coinsurance for a health care service provided through store-and-forward telemedicine services or remote patient monitoring services so long as it does not exceed the deductible, co-payment, or coinsurance applicable to an in-person consultation.

(18) A health insurance or employee benefit plan may limit coverage to health care providers in a telemedicine network approved by the plan.

(19) Nothing in this section shall be construed to prohibit a health insurance or employee benefit plan from providing coverage for only those services that are medically necessary, subject to the terms and conditions of the covered person's policy.

(20) In a claim for the services provided, the appropriate procedure code for the covered service shall be included with the appropriate modifier indicating telemedicine services were used. A "GQ" modifier is required for asynchronous telemedicine services such as store-and-forward and remote patient monitoring.

(21) The originating site is eligible to receive a facility fee, but facility fees are not payable to the distant site.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 208

Description: Psychologists; extend repealer on licensure law and remove postdoctoral training requirements for licensure.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/15	(H) Referred To Public Health and Human Services
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Public Health and Welfare
6	03/02	(S) Title Suff Do Pass
7	03/03	(S) Passed {Vote}
8	03/04	(S) Returned For Enrolling
9	03/04	(H) Enrolled Bill Signed
10	03/04	(S) Enrolled Bill Signed
11	03/10	Approved by Governor

Code Section: R 073-0031-0001, R 073-0031-0003, RA 073-0031-0005, R 073-0031-0007, R 073-0031-0009, R 073-0031-0011, RA 073-0031-0013, R 073-0031-0014, R 073-0031-0015, R 073-0031-0017, R 073-0031-0019, R 073-0031-0021, R 073-0031-0023, R 073-0031-0025, R 073-0031-0027, R 073-0031-0029, A 073-0031-0031

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: McGee
Additional Authors: Felsher

Title: AN ACT TO REENACT SECTIONS 73-31-1 THROUGH 73-31-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE OF PSYCHOLOGISTS; TO AMEND REENACTED SECTION 73-31-5, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; TO AMEND REENACTED SECTION 73-31-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE

POSTDOCTORAL TRAINING REQUIREMENT FOR LICENSURE; TO AMEND SECTION 73-31-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 208

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McGee, Felsher

To: Public Health and Human Services

HOUSE BILL NO. 208

AN ACT TO REENACT SECTIONS 73-31-1 THROUGH 73-31-29, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE LICENSURE OF PSYCHOLOGISTS; TO AMEND REENACTED SECTION 73-31-5, MISSISSIPPI CODE OF 1972, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; TO AMEND REENACTED SECTION 73-31-13, MISSISSIPPI CODE OF 1972, TO REMOVE THE POSTDOCTORAL TRAINING REQUIREMENT FOR LICENSURE; TO AMEND SECTION 73-31-31, MISSISSIPPI CODE OF 1972, TO EXTEND THE DATE OF THE REPEALER ON THE REENACTED SECTIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-31-1, Mississippi Code of 1972, is reenacted as follows:

73-31-1. It is declared to be the policy of the State of Mississippi that, in order to safeguard life, health, property and the public welfare of this state, and in order to protect the people of this state against unauthorized, unqualified and improper application of psychology, it is necessary that a proper regulatory authority be established and adequately provided for.

SECTION 2. Section 73-31-3, Mississippi Code of 1972, is reenacted as follows:

73-31-3. When used in this chapter, the word or term:

(a) "Board" means the Mississippi Board of Psychology.

(b) "Institution of higher education" means any regionally accredited institution of higher education in the United States, accredited by an accrediting body recognized by the U.S. Department of Education, including a professional school, that offers a full-time doctoral course of study in psychology that is acceptable to the board; for Canadian universities, this term means an institution of higher education that is provincially or territorially chartered to grant doctoral degrees.

(c) "Person" includes an individual, firm, partnership, association or corporation.

(d) (i) "Practice of psychology" means the observation, description, evaluation, interpretation, prediction and modification of human behavior through the application of psychological principles, methods and procedures, for the purposes of:

1. Preventing, eliminating, evaluating, assessing, or predicting symptomatic, maladaptive, or undesirable behavior;

2. Evaluating, assessing and/or facilitating the enhancement of individual, group and/or organizational effectiveness including personal effectiveness, adaptive behavior, interpersonal relationships, work and life adjustment, health, and individual, group and/or organizational performance; or

3. Assisting in legal decision-making.

(ii) The practice of psychology includes, but is not limited to:

1. Psychological testing and the evaluation or assessment of personal characteristics, such as intelligence; personality; cognitive, behavioral, physical and/or emotional abilities; skills; interests; aptitudes; and neuropsychological functioning;

2. Counseling, psychoanalysis, psychotherapy, hypnosis, biofeedback, and behavior analysis and therapy;

3. Diagnosis, treatment, and management of mental and emotional disorder or disability, alcoholism and substance abuse, disorders of habit or conduct, as well as of the psychological aspects of physical illness, accident, injury, or disability;

4. Psychoeducational evaluation, therapy and remediation;

5. Consultation with physicians, other health care professionals and patients regarding all available treatment options, as well as consultation with attorneys, judges, business, and industry;

6. Provision of direct services to individuals and/or groups for the purpose of enhancing individual and thereby organizational effectiveness, using principles, methods and/or procedures to assess and evaluate individuals on personal characteristics for individual development and/or

behavior change or for making decisions about the individual, such as selection; and

7. The supervision of any of the above.

(iii) Psychological services are provided to individuals, families, groups, systems, organizations, and the public. The practice of psychology shall be construed within the meaning of this definition without regard to whether payment is received for services rendered and without regard to the means of service provision (e.g., face-to-face, telephone, Internet, or telehealth).

(e) A "psychologist" is any person licensed under this chapter, and includes a person who represents himself or herself to be a psychologist by using any title or description of services incorporating the words "psychological," "psychologist," "psychology," or who represents that he or she possesses expert qualification in any area of psychology, or offers to the public, or renders to individuals or to groups of individuals services defined as the practice of psychology by this chapter.

SECTION 3. Section 73-31-5, Mississippi Code of 1972, is reenacted and amended as follows:

73-31-5. (1) There is created a Mississippi Board of Psychology consisting of seven (7) members who are citizens of the United States and residing in the State of Mississippi. One (1) member of the board shall be a person who is not a psychologist or a mental health professional but who has expressed a continuing

interest in the field of psychology. Each board member shall otherwise be licensed under this chapter. The composition of the board shall at all times include psychologists engaged in the professional practice of psychology and psychologists who are faculty at institutions of higher learning that grant doctoral degrees or staff or faculty of an American Psychological Association accredited doctoral level internship or postdoctoral fellowship.

(2) When the term of each psychologist member ends, the Governor shall, within thirty (30) days, appoint as his or her successor, for a term of five (5) years, a psychologist who holds a doctoral degree from an institution of higher education and who has been licensed under this chapter. When the term of the member who is not a psychologist ends, the Governor shall, within thirty (30) days, appoint a qualified person as his or her successor for a term of five (5) years. Any board member whose term has expired may continue to holdover and serve with all rights and responsibilities until the new appointment occurs. No board member shall serve for more than two (2) consecutive terms. Any vacancy occurring in the board membership other than by expiration of term shall be filled by the Governor by appointment for the unexpired term of the member. All appointments of psychologist members of the board shall be made from a list containing the names of at least three (3) eligible nominees for each vacancy submitted by the Mississippi Psychological Association. Each

board member shall receive a certificate of appointment from the Governor before entering on the discharge of his or her duties, and within thirty (30) days from the effective date of his appointment shall subscribe an oath for the faithful performance of his or her official duty before any officer authorized to administer oaths in this state, and shall file the same with the Secretary of State.

(3) The Governor may remove any board member for misconduct, incompetency, or neglect of duty after giving the board member a written statement of the charges and an opportunity to be heard thereon.

(4) Each board member shall serve without compensation, but shall receive actual traveling and incidental expenses necessarily incurred while engaged in the discharge of official duties.

SECTION 4. Section 73-31-7, Mississippi Code of 1972, is reenacted as follows:

73-31-7. (1) The board shall annually elect officers from its membership. The board shall meet at any other times as it deems necessary or advisable, or as deemed necessary and advisable by the chairman or a majority of its members or the Governor. Reasonable notice of all meetings shall be given in the manner prescribed by the board. A majority of the board shall constitute a quorum at any meeting or hearing. Any meeting at which the chairman is not present shall be chaired by his designee.

(2) The board is authorized and empowered to:

(a) Adopt and, from time to time, revise any rules and regulations not inconsistent with, and as may be necessary to carry into effect the provisions of this chapter.

(b) Within the funds available, employ and/or contract with a stenographer and other personnel, and contract for services, as are necessary for the proper performance of its work under this chapter.

(c) Adopt a seal, and the executive secretary or board administrator shall have the care and custody thereof.

(d) Examine, license, and renew the license of duly qualified applicants.

(e) Conduct hearings upon complaints concerning the disciplining or licensing of applicants and psychologists.

(f) Deny, approve, withhold, revoke, suspend and/or otherwise discipline applicants and licensed psychologists.

(g) Issue an educational letter to a licensee in order to assist that individual in his or her practice as a psychologist. Such a letter will not be considered to be disciplinary action.

(h) Cause the prosecution and enjoinder of all persons violating this chapter, and incur necessary expenses therefor.

(i) Charge a fee of not more than Seven Hundred Dollars ($700.00) to a qualified psychologist as determined by the board who is applying for certification by the board to conduct examinations in civil commitment proceedings.

(j) Purchase general liability insurance coverage, including errors and omissions insurance, to cover the official actions of the board members and contract personnel and suits against them in their individual capacity. That coverage shall be in an amount determined by the board to be adequate, and the costs of the insurance shall be paid out of any funds available to the board.

(k) As additional responsibilities, effective July 1, 2018, the board shall administer and support the function of the Mississippi Autism Board under Sections 73-75-1 through 73-75-25, relating to the licensure of licensed behavior analysts and licensed assistant behavior analysts.

(3) Within thirty (30) days after the close of each fiscal year ending June 30, the board shall submit an official report, reviewed and signed by all board members, to the Governor concerning the work of the board during the preceding fiscal year. The report shall include the names of all psychologists to whom licenses have been granted; any cases heard and decisions rendered in relation to the work of the board; the names, remuneration and duties of any employees of the board; and an account of all monies received and expended by the board.

SECTION 5. Section 73-31-9, Mississippi Code of 1972, is reenacted as follows:

73-31-9. (1) All fees from applicants seeking licensing under this chapter and all license renewal fees received under

this chapter shall be nonrefundable. The board may charge a late fee for nonrenewal by June 30 of each year.

(2) The board shall charge an application fee to be determined by the board, but not to exceed Seven Hundred Dollars ($700.00), to applicants for licensing, and shall charge the applicant for the expenses incurred by the board for examination of the applicant. The board may increase the application fee as necessary, but may not increase the fee by more than Fifty Dollars ($50.00) above the amount of the previous year's fee.

(3) Except as provided in Section 33-1-39, every licensed psychologist in this state shall annually pay to the board a fee determined by the board, but not to exceed Seven Hundred Dollars ($700.00); and the credentialing coordinator shall thereupon issue a renewal of the license for a term of one (1) year. The board may increase the license renewal fee as necessary, but may not increase the fee by more than Fifty Dollars ($50.00) above the amount of the previous year's fee. The license of any psychologist who fails to renew during the month of June in each and every year shall lapse; the failure to renew the license, however, shall not deprive the psychologist of the right of renewal thereafter. The lapsed license may be renewed within a period of two (2) years after the lapse upon payment of all fees in arrears. A psychologist wishing to renew a license that has been lapsed for more than two (2) years shall be required to reapply for licensure.

(4) Every odd-numbered year, no psychologist license shall be renewed unless the psychologist shows evidence of a minimum of twenty (20) clock hours of continuing education activities approved by the board.

(5) All fees and any other monies received by the board shall be deposited in a special fund that is created in the State Treasury and shall be used for the implementation and administration of this chapter when appropriated by the Legislature for that purpose. The monies in the special fund shall be subject to all provisions of the state budget laws that are applicable to special fund agencies, and disbursements from the special fund shall be made by the State Treasurer only upon warrants issued by the State Fiscal Officer upon requisitions signed by the chairman or executive secretary of the board. Any interest earned on this special fund shall be credited by the State Treasurer to the fund and shall not be paid into the State General Fund. Any unexpended monies remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund. The State Auditor shall audit the financial affairs of the board and the transactions involving the special fund at least once a year in the same manner as for other special fund agencies.

SECTION 6. Section 73-31-11, Mississippi Code of 1972, is reenacted as follows:

73-31-11. The board shall keep a record of its proceedings and a register of all applications for licenses, which shall show:

(a) The name, age and residence of each applicant;

(b) The date of the application;

(c) The place of professional practice of the applicant;

(d) A summary of the educational and other qualifications of the applicant;

(e) Whether or not an examination was required;

(f) Whether or not a license was granted;

(g) The date of the action of the board;

(h) Any other information as may be deemed necessary or advisable by the board in aid of the above requirements.

The records of the board shall be public records and evidence of the proceedings of the board set forth in the records; and a transcript thereof, duly certified by the executive secretary of the board, bearing the seal of the board, shall be admissible in evidence with the same force and effect as if the original were produced.

SECTION 7. Section 73-31-13, Mississippi Code of 1972, is reenacted and amended as follows:

73-31-13. The board shall issue a license as a psychologist to each applicant who files an application upon a form and in the manner as the board prescribes, accompanied by the fee as is required by this chapter; and who furnishes evidence satisfactory to the board that he or she:

(a) Is at least twenty-one (21) years of age; and

(b) Is of good moral character. The applicant must have successfully been cleared for licensure through an investigation that consists of a determination as to good moral character and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure. For the purposes of this chapter, good moral character includes an absence of felony convictions or misdemeanor convictions involving moral turpitude as established by a criminal background check. Applicants shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the board, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose; and

(c) Is not in violation of any of the provisions of this chapter and the rules and regulations adopted under this chapter, and is not currently under investigation by another licensure board; and

(d) Holds a doctoral degree in psychology from an institution of higher education that is: regionally accredited by an accrediting body recognized by the United States Department of Education, or authorized by Provincial statute or Royal Charter to grant doctoral degrees. From a program accredited by the American

Psychological Association, or the Canadian Psychological Association, and from a program that requires at least one (1) year of continuous, full-time residence at the educational institution granting the doctoral degree. For graduates from newly established programs seeking accreditation or in areas where no accreditation exists, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the board. For applicants graduating from doctoral level psychology training programs outside of the United States of America or Canada, applicants for licensure shall have completed a doctoral program in psychology that meets recognized acceptable professional standards as determined by the board; and

(e) Has * * * completed a supervised * * * internship * * * from a program accredited by the American Psychological Association or the Canadian Psychological Association that meet the standards of training as defined by the board. * * * The internship shall be comprised of at least one thousand eight hundred (1,800) hours of actual work, to include direct service, training and supervisory time * * *; and

(f) Demonstrates professional knowledge by passing written (as used in this paragraph, the term "written" means either paper and pencil or computer-administered or computerized testing) and oral examinations in psychology prescribed by the board; except that upon examination of credentials, the board may,

by unanimous consent, consider these credentials adequate evidence of professional knowledge.

Upon investigation of the application and other evidence submitted, the board shall, not less than thirty (30) days before the examination, notify each applicant that the application and evidence submitted is satisfactory and accepted or unsatisfactory and rejected; if rejected, the notice shall state the reasons for the rejection.

The place of examination shall be designated in advance by the board, and the examination shall be given at such time and place and under such supervision as the board may determine. The examination used by the board shall consist of written tests and oral tests, and shall fairly test the applicant's knowledge and application thereof in those areas deemed relevant by the board. All examinations serve the purpose of verifying that a candidate for licensure has acquired a basic core of knowledge in the discipline of psychology and can apply that knowledge to the problems confronted in the practice of psychology within the applicant's area of practice.

The board shall evaluate the results from both the written and oral examinations. The passing scores for the written and oral examinations shall be established by the board in its rules and regulations. If an applicant fails to receive a passing score on the entire examination, he or she may reapply and shall be allowed to take a later examination. An applicant who has failed

two (2) successive examinations by the board may not reapply until after two (2) years from the date of the last examination failed. The board shall keep the written examination scores, and an accurate transcript of the questions and answers relating to the oral examinations, and the grade assigned to each answer thereof, as part of its records for at least two (2) years after the date of examination.

Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 8. Section 73-31-14, Mississippi Code of 1972, is reenacted as follows:

73-31-14. (1) Psychologists who are duly licensed in other jurisdictions and not currently under investigation by another licensure board may, upon application for licensure, apply for a temporary license, which shall be valid until the next administration of the oral examination. The temporary license shall be issued upon the applicant's passage of the Examination for Professional Practice of Psychology (EPPP) at the level established by the board in its rules and regulations and equivalent to that required for permanent licensure. Each applicant for a temporary license shall file an application upon a form and in the manner as the board prescribes, accompanied by a fee equal to the amount required for permanent licensure. A temporary license will lapse for any person who has failed the

oral examination or has had his or her license suspended or revoked by the board. Procedures for the issuance of temporary licenses shall be established by the board in its rules and regulations. The issuance of a temporary license to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(2) Psychologists who are duly licensed in other jurisdictions may apply for a temporary practice certificate that allows them to practice psychology on a temporary basis in the State of Mississippi. That practice must be limited in scope and duration, not exceeding thirty (30) days during a consecutive twelve-month period. Applicants for a temporary practice certificate shall provide to the board the nature of the practice before providing that service, and shall make available to the board a current copy of his or her license or verification of a valid license in good standing. Psychologists who receive temporary practice certificates are subject to a jurisprudence examination at the request of the board. This authority for a temporary practice certificate does not apply to a psychologist who has been denied licensure in Mississippi, is a legal resident of Mississippi, or intends to practice full-time or a major portion of their time in Mississippi. Each applicant for a temporary practice certificate shall file an application upon a form and in the manner as the board prescribes, accompanied by a

fee in an amount determined by the board, but not to exceed Three Hundred Dollars ($300.00).

(3) Applicants awaiting licensure in Mississippi are prohibited from the practice of psychology without a temporary license issued by the board. For the purposes of this subsection, the practice of psychology shall be construed without regard to the means of service provision (e.g., face-to-face, telephone, Internet, telehealth).

SECTION 9. Section 73-31-15, Mississippi Code of 1972, is reenacted as follows:

73-31-15. (1) Upon application accompanied by the proper fee, the board may issue a license to any psychologist who furnishes, upon a form and in the manner as the board prescribes, evidence satisfactory to the board that he or she is a diplomate in good standing of the American Board of Examiners in Professional Psychology; or possesses a valid Certificate of Professional Qualification (CPQ) granted by the Association of State and Provincial Psychology Boards; or has at least twenty (20) years of licensure to practice in another state, territorial possession of the United States, District of Columbia, or Commonwealth of Puerto Rico or Canadian Province when that license was based on a doctoral degree; and

(a) Has had no disciplinary sanction during the entire period of licensure; and

(b) Is not currently under investigation by another licensure board; and

(c) Has demonstrated current qualification by successfully passing the oral examination and jurisprudence examination.

(2) The issuance of a license by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

SECTION 10. Section 73-31-17, Mississippi Code of 1972, is reenacted as follows:

73-31-17. The status of psychologist emeritus is created. To qualify for status as psychologist emeritus, a psychologist must apply for psychologist emeritus status with the board upon a form and in the manner as the board prescribes, accompanied by a fee equal to one-half (1/2) of the amount of the permanent licensure renewal fee as determined by the board. The applicant shall be required to make a satisfactory showing to the board, in a manner to be determined by the board, that the applicant (a) is sixty-five (65) years old or older, (b) has held continuous licensure as a psychologist in the State of Mississippi for at least twenty (20) years, and (c) at the time of application is retired from the full-time practice of psychology and is not practicing more than eighty (80) hours per month in any capacity in the State of Mississippi. For the purposes of this section, the practice of psychology shall be construed without regard to

the means of service provision (e.g., face-to-face, telephone, Internet, telehealth). The applicant must renew his or her psychologist emeritus status annually on the same renewal schedule as permanent licensure. Renewal shall include confirmation of the psychologist's eligibility and attestation, at the time of renewal, of his or her continued "retired" status.

SECTION 11. Section 73-31-19, Mississippi Code of 1972, is reenacted as follows:

73-31-19. The board shall issue a license signed by the chairman and executive secretary of the board whenever an applicant has been successfully qualified as provided in this chapter. A copy of the license, so certified by the executive secretary as a true copy, shall be filed by the licensee in the office of the clerk of the circuit court in the county in which the licensee resides.

SECTION 12. Section 73-31-21, Mississippi Code of 1972, is reenacted as follows:

73-31-21. (1) The board, by an affirmative vote of at least four (4) of its seven (7) members, shall withhold, deny, revoke or suspend any license issued or applied for in accordance with the provisions of this chapter, or otherwise discipline a licensed psychologist, upon proof that the applicant or licensed psychologist:

(a) Has violated the current code of ethics of the American Psychological Association or other codes of ethical standards adopted by the board; or

(b) Has been convicted of a felony or any offense involving moral turpitude, the record of conviction being conclusive evidence thereof; or

(c) Is using any substance or any alcoholic beverage to an extent or in a manner dangerous to any other person or the public, or to an extent that the use impairs his or her ability to perform the work of a professional psychologist with safety to the public; or

(d) Has impersonated another person holding a psychologist license or allowed another person to use his or her license; or

(e) Has used fraud or deception in applying for a license or in taking an examination provided for in this chapter; or

(f) Has accepted commissions or rebates or other forms of remuneration for referring clients to other professional persons; or

(g) Has performed psychological services outside of the area of his or her training, experience or competence; or

(h) Has allowed his or her name or license issued under this chapter to be used in connection with any person or persons

who perform psychological services outside of the area of their training, experience or competence; or

(i) Is legally adjudicated mentally incompetent, the record of that adjudication being conclusive evidence thereof; or

(j) Has willfully or negligently violated any of the provisions of this chapter. The board may recover from any person disciplined under this chapter, the costs of investigation, prosecution, and adjudication of the disciplinary action.

(2) Notice shall be effected by registered mail or personal service setting forth the particular reasons for the proposed action and fixing a date not less than thirty (30) days nor more than sixty (60) days from the date of the mailing or that service, at which time the applicant or licensee shall be given an opportunity for a prompt and fair hearing. For the purpose of the hearing, the board, acting by and through its executive secretary, may subpoena persons and papers on its own behalf and on behalf of the applicant or licensee, may administer oaths and may take testimony. That testimony, when properly transcribed, together with the papers and exhibits, shall be admissible in evidence for or against the applicant or licensee. At the hearing, the applicant or licensee may appear by counsel and personally in his or her own behalf. Any person sworn and examined by a witness in the hearing shall not be held to answer criminally, nor shall any papers or documents produced by the witness be competent evidence in any criminal proceedings against the witness other than for

perjury in delivering his or her evidence. On the basis of any such hearing, or upon default of applicant or licensee, the board shall make a determination specifying its findings of fact and conclusions of law. A copy of that determination shall be sent by registered mail or served personally upon the applicant or licensee. The decision of the board denying, revoking or suspending the license shall become final thirty (30) days after so mailed or served, unless within that period the applicant or licensee appeals the decision to the chancery court, under the provisions hereof, and the proceedings in chancery shall be conducted as other matters coming before the court. All proceedings and evidence, together with exhibits, presented at the hearing before the board shall be admissible in evidence in court in the appeal.

(3) The board may subpoena persons and papers on its own behalf and on behalf of the respondent, may administer oaths and may compel the testimony of witnesses. It may issue commissions to take testimony, and testimony so taken and sworn to shall be admissible in evidence for and against the respondent. The board shall be entitled to the assistance of the chancery court or the chancellor in vacation, which, on petition by the board, shall issue ancillary subpoenas and petitions and may punish as for contempt of court in the event of noncompliance therewith.

(4) Every order and judgment of the board shall take effect immediately on its promulgation unless the board in the order or

judgment fixes a probationary period for the applicant or licensee. The order and judgment shall continue in effect unless upon appeal the court by proper order or decree terminates it earlier. The board may make public its order and judgments in any manner and form as it deems proper. It shall, in event of the suspension or revocation of a license, direct the clerk of the circuit court of the county in which that license was recorded to cancel that record.

(5) Nothing in this section shall be construed as limiting or revoking the authority of any court or of any licensing or registering officer or board, other than the Mississippi Board of Psychology, to suspend, revoke and reinstate licenses and to cancel registrations under the provisions of Section 41-29-311.

(6) Suspension by the board of the license of a psychologist shall be for a period not exceeding one (1) year. At the end of this period the board shall reevaluate the suspension, and shall either reinstate or revoke the license. A person whose license has been revoked under the provisions of this section may reapply for a license after more than two (2) years have elapsed from the date that the denial or revocation is legally effective.

(7) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order

for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

(8) The board may issue a nondisciplinary, educational letter to licensees as provided in Section 73-31-7(2)(g). The board may also direct a psychologist to obtain a formal assessment of ability to practice safely if there is reason to believe there may be impairment due to substance abuse or mental incapacity. Licensees who may be impaired, but who are able to practice safely, may be required by the board to seek appropriate treatment and/or supervision. That action by the board in itself will not be considered disciplinary.

SECTION 13. Section 73-31-23, Mississippi Code of 1972, is reenacted as follows:

73-31-23. (1) It shall be a misdemeanor:

(a) For any person not licensed under this chapter to represent himself or herself as a psychologist or practice psychology in the manner described in Section 73-31-3; or

(b) For any person to represent himself or herself as a psychologist or practice psychology in the manner described in Section 73-31-3 during the time that his or her license as a psychologist is suspended or revoked or lapsed; or

(c) For any person to otherwise violate the provisions of this chapter.

That misdemeanor shall be punishable, upon conviction, by imprisonment for not more than sixty (60) days or by a fine of not more than Three Hundred Dollars ($300.00), or by both that fine and imprisonment. Each violation shall be deemed a separate offense. The misdemeanor shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the State of Mississippi.

(2) Any entity, organization or person, including the board, any member of the board, and its agents or employees, acting in good faith and without malice, who makes any report or information available to the board regarding violation of any of the provisions of this chapter, or who assists in the organization, investigation or preparation of any such report or information or assists the board in carrying out any of its duties or functions

provided by law, shall be immune from civil or criminal liability for those acts.

The immunity granted under the provisions of this subsection shall not apply to and shall not be available to any psychologist who is the subject of any report or information relating to a violation by the psychologist of the provisions of this chapter.

SECTION 14. Section 73-31-25, Mississippi Code of 1972, is reenacted as follows:

73-31-25. The board may, in the name of the people of the State of Mississippi, through the Attorney General, except as otherwise authorized in Section 7-5-39, apply for an injunction in any court of competent jurisdiction to enjoin any person from committing any act declared to be a misdemeanor by this chapter.

If it is established that the defendant has been or is committing an act declared to be a misdemeanor by this chapter, the court, or any judge thereof, shall enter a decree perpetually enjoining the defendant from further committing that act. In case of violation of any injunction issued under the provisions of this section, the court, or any judge thereof, may summarily try and punish the offender for contempt of court. Those injunctive proceedings shall be in addition to, and not in lieu of, all penalties and other remedies provided for in this chapter.

SECTION 15. Section 73-31-27, Mississippi Code of 1972, is reenacted as follows:

73-31-27. (1) Nothing in this chapter shall be construed to limit:

(a) The activities and services of a student, intern or trainee in psychology pursuing a course of study in psychology at an institution of higher education, if these activities and services constitute a part of his or her supervised course of study; or

(b) The services and activities of members of other professional groups licensed or certified by the State of Mississippi who perform work of a psychological nature consistent with their training, work experience history, and with any code of ethics of their respective professions, provided they do not hold themselves out to be psychologists. Portions of the practice of psychology as defined by this chapter overlap with the activities of other professional groups and it is not the intent of this chapter to regulate the activities of those professional groups.

(2) Individuals certified by the Mississippi State Department of Education may use appropriate titles such as "school psychologist," "certified school psychologist," "educational psychologist" or "psychometrist" only when they are employed by or under contract with a school district and practicing in school or educational settings.

(3) A lecturer employed by an institution of higher learning may use an appropriate academic or research title, provided he or

she does not represent himself or herself as a psychologist or practice psychology in the manner described in Section 73-31-3.

SECTION 16. Section 73-31-29, Mississippi Code of 1972, is reenacted as follows:

73-31-29. A psychologist shall not be examined without the consent of his or her client as to any communication made by the client to the psychologist or the psychologist's advice given thereon in the course of professional employment; nor shall a psychologist's secretary, stenographer or clerk be examined without the consent of his or her employer concerning any fact, the knowledge of which he or she has acquired in that capacity.

SECTION 17. Section 73-31-31, Mississippi Code of 1972, is amended as follows:

73-31-31. Sections 73-31-1 through 73-31-29 shall stand repealed on July 1, * * * 2025.

SECTION 18. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 277

Description: Tribal identification cards; recognize as legal means of personal identification.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/17	(S) Referred To Judiciary, Division A
6	02/25	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/12	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/18	Approved by Governor

Code Section: A 027-0115-0073, A 045-0009-0101, A 049-0007-0003, A 063-0021-0039, A 067-0003-0069, A 075-0009-0503, A 075-0024-0029, A 075-0067-0305, A 075-0095-0005, A 093-0001-0005, A 093-0029-0013, A 097-0017-0071, A 097-0045-0001, A 045-0035-0013

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: Bounds
Additional Authors: Crawford, Gibbs (72nd), Stamps

Title: AN ACT TO CREATE NEW SECTION 1-3-42, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS DESCRIBING PHOTO IDENTIFICATION THAT ARE LEGAL IN THIS STATE; TO CREATE NEW SECTION 97-7-77, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF COUNTERFEITING, FRAUD OR

MISREPRESENTATION IN RELATION TO A TRIBAL IDENTIFICATION CARD; TO AMEND SECTION 27-115-73, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE TO BUY A LOTTERY TICKET; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR A CONCEALED CARRY LICENSE; TO AMEND SECTION 49-7-3, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY TO OBTAIN A HUNTING OR FISHING LICENSE; TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO REVISE PROOF OF IDENTITY FOR PURCHASE OF ALCOHOL; TO AMEND SECTION 75-9-503, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY IN UCC FILING STATEMENTS; TO AMEND SECTION 75-24-29, MISSISSIPPI CODE OF 1972, TO CONFORM THE PERSONALLY IDENTIFYING INFORMATION THAT CAN BE COMPROMISED IN A SECURITY BREACH; TO AMEND SECTION 75-67-305, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR PAWNSHOP TRANSACTIONS; TO AMEND SECTION 75-95-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR PRECIOUS ITEM RESALE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE REQUIRED TO OBTAIN A MARRIAGE LICENSE; TO AMEND SECTION 93-29-13, MISSISSIPPI CODE OF 1972, TO CONFORM FACTORS TO DETERMINE RISK OF ABDUCTION; TO AMEND SECTION 97-17-71, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 97-45-1, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF PERSONAL INFORMATION IN THE CONTEXT OF CERTAIN COMPUTER CRIMES; TO AMEND SECTION 45-35-13, MISSISSIPPI CODE OF 1972, DEALING WITH FRAUDULENT NONDRIVER IDENTIFICATION CARDS, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bounds, Crawford, Gibbs (72nd), Stamps To: Judiciary A

HOUSE BILL NO. 277

AN ACT TO CREATE NEW SECTION 1-3-42, MISSISSIPPI CODE OF 1972, TO DEFINE TERMS DESCRIBING PHOTO IDENTIFICATION THAT ARE LEGAL IN THIS STATE; TO CREATE NEW SECTION 97-7-77, MISSISSIPPI CODE OF 1972, TO CREATE THE CRIME OF COUNTERFEITING, FRAUD OR MISREPRESENTATION IN RELATION TO A TRIBAL IDENTIFICATION CARD; TO AMEND SECTION 27-115-73, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE TO BUY A LOTTERY TICKET; TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR A CONCEALED CARRY LICENSE; TO AMEND SECTION 49-7-3, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY TO OBTAIN A HUNTING OR FISHING LICENSE; TO AMEND SECTION 63-21-39, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 67-3-69, MISSISSIPPI CODE OF 1972, TO REVISE PROOF OF IDENTITY FOR PURCHASE OF ALCOHOL; TO AMEND SECTION 75-9-503, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY IN UCC FILING STATEMENTS; TO AMEND SECTION 75-24-29, MISSISSIPPI CODE OF 1972, TO CONFORM THE PERSONALLY IDENTIFYING INFORMATION THAT CAN BE COMPROMISED IN A SECURITY BREACH; TO AMEND SECTION 75-67-305, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY FOR PAWNSHOP TRANSACTIONS; TO AMEND SECTION 75-95-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR PRECIOUS ITEM RESALE; TO AMEND SECTION 93-1-5, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF AGE REQUIRED TO OBTAIN A MARRIAGE LICENSE; TO AMEND SECTION 93-29-13, MISSISSIPPI CODE OF 1972, TO CONFORM FACTORS TO DETERMINE RISK OF ABDUCTION; TO AMEND SECTION 97-17-71, MISSISSIPPI CODE OF 1972, TO CONFORM PROOF OF IDENTITY REQUIRED FOR SCRAP SALES; TO AMEND SECTION 97-45-1, MISSISSIPPI CODE OF 1972, TO CONFORM THE DEFINITION OF PERSONAL INFORMATION IN THE CONTEXT OF CERTAIN COMPUTER CRIMES; TO AMEND SECTION 45-35-13, MISSISSIPPI CODE OF 1972, DEALING WITH FRAUDULENT NONDRIVER IDENTIFICATION CARDS, TO MAKE A MINOR, NONSUBSTANTIVE CHANGE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 1-3-42, Mississippi Code of 1972:

1-3-42. The terms "photo identification," "photographic identification," "valid identification," "valid identification card" or any similar term when used with reference to a personally identifying document required as legal documentation or required to be presented as part of a transaction includes all of the following:

(a) A current and valid Mississippi driver's license;

(b) A current and valid identification card issued by a branch, department, agency or entity of the State of Mississippi;

(c) A current and valid United States passport;

(d) A current and valid employee identification card containing a photograph of the employee and issued by any branch, department, agency or entity of the United States government, the State of Mississippi, or any county, municipality, board, authority or other entity of this state;

(e) A current and valid Mississippi license to carry a pistol or revolver;

(f) A valid tribal identification card containing a photograph of the holder;

(g) A current and valid United States military identification card;

(h) A current and valid student identification card, containing a photograph of the student, issued by any accredited

college, university or community or junior college in the State of Mississippi;

(i) An official Mississippi voter identification card containing a photograph of the elector; or

(j) Any other valid and unexpired government-issued identification card that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.

SECTION 2. The following shall be codified as Section 97-7-77, Mississippi Code of 1972:

97-7-77. (1) "Tribal identification card" means a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.

(2) (a) It is unlawful for a person knowingly to:

(i) Display, or cause or permit to be displayed, or have in the person's possession, any cancelled, fictitious, fraudulently altered, forged, counterfeited or fraudulently obtained tribal identification card;

(ii) Permit the use of a tribal identification card issued to the person or lend a tribal identification card to another person;

(iii) Display or represent a tribal identification card not issued to the person as being the person's card;

(iv) Display or have in the person's possession a fraudulently altered, forged or counterfeited tribal identification card with intent that the altered, forged or counterfeited card be offered, accepted or mistaken for a valid tribal identification card.

(b) A violation of this subsection is a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), by imprisonment for not more than six (6) months, or both.

(3) (a) It is unlawful for a person to photograph, copy, duplicate, alter, forge, counterfeit or in any way reproduce, manufacture, sell or distribute a tribal identification card or facsimile thereof with intent that it be offered, accepted or mistaken for a valid tribal identification card.

(b) A violation of this subsection (3) shall be punished as follows:

(i) If the person was twenty-one (21) years of age or older at the time of the offense, the person is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars ($5,000.00), imprisonment for not more than three (3) years, or both.

(ii) If the person was under twenty-one (21) years of age at the time of the offense, a first offense is a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), by imprisonment for not more than six (6)

months, or both, and a second or subsequent offense committed by a minor is a misdemeanor punishable by a fine of not more than One Thousand Dollars ($1,000.00), imprisonment for not more than one (1) year, or both.

SECTION 3. Section 27-115-73, Mississippi Code of 1972, is amended as follows:

27-115-73. (1) (a) No lottery retailer and no agent, associate, employee, representative or servant of any such person shall allow any illegal lottery device to be on its premises, nor shall any lottery retailer, agent, associate, employee, representative or servant sell a lottery ticket to any person unless the person submits any one (1) of the following forms of identification which establish the age of the person as twenty-one (21) years or older:

(i) A valid and current Mississippi driver's license which contains a photograph of the person presenting the driver's license.

(ii) A valid and current driver's license of another state which contains a photograph of the person submitting the driver's license.

(iii) A valid and current special identification card issued by the State of Mississippi containing a photograph of the person submitting the identification card.

(iv) A valid and current passport or visa issued by the federal government or another country or nation that

contains a permanently attached photograph of the person submitting the passport or visa.

(v) A valid and current military or federal identification card issued by the federal government containing a photograph of the person submitting the identification card.

(vi) A valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the person submitting the identification card.

(b) Each form of identification listed in paragraph (a) of this subsection must on its face establish the age of the person as twenty-one (21) years of age or older, and there must be no reason to doubt the authenticity or correctness of the identification. No form of identification mentioned in paragraph (a) of this subsection shall be accepted as proof of age if it is expired, defaced, mutilated or altered. If the driver's license, state special identification card or lawful identification submitted is a duplicate, the person shall submit additional identification which contains the name, date of birth and photograph of the person.

(c) An educational institution identification card, check-cashing identification card, or employee identification card shall not be considered as lawful identification for the purposes of this subsection.

(2) Any lottery retailer who knowingly sells a lottery ticket to a person under twenty-one (21) years of age will be

fined not less than One Hundred Dollars ($100.00) nor more than Five Hundred Dollars ($500.00) for the first offense and, for each subsequent offense, not less than Two Hundred Dollars ($200.00) nor more than One Thousand Dollars ($1,000.00) and may be disqualified as a lottery retailer.

(3) (a) It is unlawful for any person under twenty-one (21) years of age to purchase a lottery ticket.

(b) Whoever violates the provisions of this subsection shall be fined not more than One Hundred Dollars ($100.00).

(c) Any person apprehended while violating the provisions of this subsection shall be issued a citation by the apprehending law enforcement officer, which shall be paid in the same manner as provided for the offenders of local traffic violations.

SECTION 4. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety or a valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the holder;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any

other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date

on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will

carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is

prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure,

momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) that the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a

service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

SECTION 5. Section 49-7-3, Mississippi Code of 1972, is amended as follows:

49-7-3. (1) Any resident of the State of Mississippi shall be entitled to receive a resident fishing license.

(2) Any person domiciled within the State of Mississippi shall be entitled to receive a resident hunting license provided in Section 49-7-5. The domicile of a person is that person's principal or primary home or place of abode. A "principal or primary home or place of abode" is that home or place in which a person's habitation is fixed and to which he, whenever absent, has the present intention of returning after a departure of absence therefrom, regardless of the duration of the absence. The burden of proving domicile shall be on the person claiming such status. The following evidence or other reliable evidence may be

considered in establishing, but is not necessarily determinative of, domicile: driver's license, valid and current tribal identification card issued by a federally recognized Indian tribe containing a photograph of the person submitting the identification card, residence for income or other tax purposes, homestead exemption receipt, or any other means prescribed by the department. In the case of minors, domicile of the parents shall be used as evidence of the minor's domicile.

(3) A nondomiciliary of the state may be issued a resident hunting or fishing license or combination resident hunting/fishing license upon providing the following:

(a) A current identification card from a Mississippi college or university; or

(b) A current military identification card showing that the person is an active member of the United States Armed Forces (excluding Reserves and the National Guard) and proof that the person is stationed on a military base in Mississippi.

(4) A nondomiciliary of the state may be issued a special Armed Forces fourteen-day hunting and fishing license with the same hunting and fishing privileges and at the same fee of a resident sportsman's license, if the nondomiciliary is an active member of the United States Armed Forces (excluding Reserves and the National Guard) and his application is approved by the department. The applicant must file his application for the special fourteen-day license in the office of the department. The

department shall establish requirements for proof of active military status and any other requirements it deems desirable. The department shall not issue more than two (2) special fourteen-day licenses to the same applicant per license year.

(5) A holder of a resident or nonresident license is required to carry the license on his person while engaged in hunting, trapping or fishing. Any penalty for not carrying a license while engaged in hunting, trapping or fishing shall be waived if the person can verify purchase of a license prior to the date of the violation.

(6) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 6. Section 63-21-39, Mississippi Code of 1972, is amended as follows:

63-21-39. (1) (a) An owner who scraps, dismantles or destroys a vehicle and a person who purchases a vehicle as scrap or to be dismantled or destroyed shall indicate same on the back of the certificate of title and shall immediately cause the certificate of title and any other documents required by the Department of Revenue to be mailed or delivered to the Department of Revenue for cancellation. A certificate of title of the vehicle shall not again be issued except upon application containing the information the Department of Revenue requires, accompanied by a certificate of inspection in the form and content

specified in Section 63-21-15(5) and proof of payment of a fee as provided in subsection (2) of this section.

(b) Notwithstanding any other provision of this chapter to the contrary, if the owner or authorized agent of the owner has not obtained a title in his or her name for the vehicle to be transferred, has lost the title for the vehicle to be transferred, or has returned the title to the Department of Revenue in accordance with * * * paragraph (a) of this subsection, he or she may sign a statement swearing that, in addition to the foregoing conditions, the vehicle is at least ten (10) model years old. The statement described in this paragraph may be used only to transfer such a vehicle to a licensed used motor vehicle parts dealer or scrap metal processor. The department shall promulgate a form for the statement which shall include, but not be limited to:

(i) A statement that the vehicle shall never be titled again; it must be dismantled or scrapped;

(ii) A description of the vehicle including the year, make, model and vehicle identification number;

(iii) The name, address, and driver's license number, nondriver identification card number or tribal identification card number of the owner;

(iv) A certification that the owner:

1. Never obtained a title to the vehicle in his or her name; or

2. Was issued a title for the vehicle, but the title was lost or stolen;

(v) A certification that the vehicle:

1. Is at least ten (10) model years old; and

2. Is not subject to any security interest or lien;

(vi) An acknowledgment that the owner and buyer of the vehicle realizes this form will be filed with the department and that:

1. It is a misdemeanor, punishable by a fine of not more than One Thousand Dollars ($1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense of knowingly falsifying any information on this statement; and

2. It is a felony, punishable by a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00) or imprisonment for not less than one (1) year nor more than five (5) years, or both, for conviction of a second or subsequent offense of knowingly falsifying any information on this statement;

(vii) The owner's signature and the date of the transaction;

(viii) The name and address of the business acquiring the vehicle;

(ix) The National Motor Vehicle Title Information System identification number; and

(x) The business agent's signature and date along with a printed name and title if the agent is signing on behalf of a corporation.

(c) Until such time as the department makes available an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall mail or otherwise deliver the statement required under paragraph (b) of this subsection (1) to the Department of Revenue within three (3) business days of the completion of the transaction, requesting that the department cancel the Mississippi certificate of title and registration. Once the department develops an Internet-based system, the used motor vehicle parts dealer or scrap metal processor shall utilize such system and within two (2) business days electronically submit the information contained in the statement using that system.

(d) Within two (2) business days of each day's close of business, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver in a format approved by the department, by electronic means once developed and made available by the department, a list of all such vehicles purchased that day for scrap or for parts. That list shall contain the following information:

(i) The name, address and contact information for the reporting entity;

(ii) The vehicle identification numbers of such vehicles;

(iii) The dates such vehicles were obtained;

(iv) The names of the individuals or entities from whom the vehicles were obtained, for use by law enforcement personnel and appropriate governmental agencies only;

(v) A statement of whether the vehicles were, or will be, crushed or disposed of, or offered for sale or other purposes;

(vi) A statement of whether the vehicle is intended for export out of the United States; and

(vii) The National Motor Vehicle Title Information System identification number of the business acquiring the vehicle.

(e) (i) For purposes of this subsection, the term "motor vehicle" shall not include a vehicle which has been crushed or flattened by mechanical means such that it is no longer the motor vehicle as described by the certificate of title, or such that the vehicle identification number is no longer visible or accessible.

(ii) In cases in which crushed or flattened vehicles are purchased or received, the purchasing or receiving used motor vehicle parts dealer or scrap metal processor shall

verify that the seller has reported the vehicles in accordance with this subsection. Such verification may be in the form of a certification from the seller or a contract between the seller and the purchasing or receiving used motor vehicle parts dealer or scrap metal processor attesting to the seller's compliance with the reporting requirements of this subsection. Such verification must clearly identify the seller by a government issued photograph identification card or employer identification number, and the verification and copy of the identification card or number shall be maintained by the purchasing or receiving used motor vehicle parts dealer or scrap metal processor for a period of not less than two (2) years.

(f) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be reported to the National Motor Vehicle Title Information System, in a format that will satisfy the requirement for reporting this information, in accordance with rules adopted by the United States Department of Justice in 28 C.F.R. 25.56.

(g) Until such time as the department develops and makes available the Internet-based system described in paragraph (d) of this subsection, the used motor vehicle parts dealer or scrap metal processor who purchases or receives motor vehicles for scrap or for parts shall deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system,

within forty-eight (48) hours of the day the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor which shall satisfy the requirements of paragraph (d).

(h) The information obtained by the department in accordance with paragraph (d) of this subsection (1) shall be made available only to law enforcement agencies and for purposes of canceling certificates of title. The information shall otherwise be considered to be confidential business information of the respective reporting entities.

(i) All records required under the provisions of this subsection shall be maintained for a period of two (2) years by the reporting entity and shall include a scanned or photocopied copy of the seller's or seller's representative's driver's license or state-issued identification card or other valid form of identification.

(j) A person who knowingly and willfully violates this subsection (1), or any person who knowingly and willfully falsifies or assists another person in falsifying the statement or information required under * * * paragraph (b) or (d) of this subsection, or any person who knowingly and willfully sells a vehicle upon which there is an unsatisfied lien or security interest, or who purchases a vehicle without complying with either * * * paragraph (a) or (b) of this subsection and who knowingly and willfully destroys or dismantles a vehicle upon

which he knows that there is an unsatisfied lien or security interest shall:

(i) Be guilty of a misdemeanor, punishable by a fine not more than One Thousand Dollars ($1,000.00) or imprisonment for not more than six (6) months, or both, for conviction of a first offense; or

(ii) Upon conviction of a second or subsequent offense, a felony, punishable by imprisonment for not less than one (1) year nor more than five (5) years or a fine of not less than One Thousand Dollars ($1,000.00) nor more than Five Thousand Dollars ($5,000.00), or both.

In addition, the court may order each person convicted to pay restitution to any party suffering monetary loss in the amount of such loss. No part of any sentence imposed by the court shall be suspended unless such restitution has been paid in full.

(k) A person who knowingly and willfully fails to deliver the title as required under paragraph (a) of this subsection, or the statement required under paragraph (b) of this subsection to the Department of Revenue within seventy-two (72) hours of the completion of the transaction, or who, until such time as the department develops and makes available the Internet-based system described in paragraph (d), fails to deliver the information required by paragraph (d) to the National Motor Vehicle Title Information System through any data consolidator approved by such system, within two (2) business days of the day

the vehicle was purchased or acquired by such used motor vehicle parts dealer or scrap metal processor shall be in violation of this section, and subject to a civil penalty of up to One Thousand Dollars ($1,000.00) per violation. Actions to impose this penalty may be brought by any local or state law enforcement agency, district attorney, or by the Attorney General, in any court of competent jurisdiction. One-half (1/2) of the monies generated from such civil penalties shall be deposited in a special fund created in the State Treasury for use by the Department of Revenue's Title Bureau, and one-half (1/2) of the monies generated from such civil penalties shall be deposited in the general fund of the municipality if the suit was brought in a municipal court, or in the general fund of the county if the suit was brought in the court of a county.

(2) For the purpose of requesting a branded title on a vehicle with a salvage certificate of title, every owner of a vehicle that has been issued a salvage certificate of title in this state or any other state which has been restored in this state to its operating condition which existed prior to the event which caused the salvage certificate of title to be issued shall make application to the Department of Revenue, accompanied by a certificate of inspection issued by the Department of Public Safety in the form and content specified in Section 63-21-15(5) and the payment of a fee of Seventy-five Dollars ($75.00) for each motor vehicle for which a certificate of inspection is issued. In

addition, the Department of Public Safety may charge such a person a fee in the amount of Twenty-five Dollars ($25.00) for performing any vehicle identification number verification required by federal law or regulation for the vehicle for which the person is applying for a title. All such monies shall be collected by the Department of Public Safety and paid to the State Treasurer for deposit in a special fund that is hereby created in the State Treasury to be known as the "Salvage Certificate of Title Fund." Monies in the special fund may be expended by the Department of Public Safety, upon appropriation by the Legislature. The Department of Revenue shall establish by regulation the minimum requirements by which a vehicle which has been issued a salvage certificate of title may be issued a branded title.

(3) Before a branded title may be issued for a vehicle for which a salvage certificate of title has been issued, the applicant shall submit, by hand delivery or mail, such documents and information to the Department of Public Safety as the department may require for the purpose of determining if the vehicle complies with the requirements of this section and all applicable regulations promulgated by the Commissioner of Public Safety and the Department of Revenue. The Department of Public Safety also may require that an applicant bring a vehicle for which application for a branded title is being made to a Highway Patrol facility for a visual inspection whenever the department deems that a visual inspection is necessary or advisable. Nothing

in this section shall be construed to prohibit inspectors of the Mississippi Highway Patrol from conducting on-site inspections and investigations of motor vehicle rebuilders or motor vehicle repair businesses to determine if such businesses are in compliance with all applicable laws relating to the motor vehicle title laws of this state and regulations promulgated by the Commissioner of Public Safety and the Department of Revenue.

SECTION 7. Section 67-3-69, Mississippi Code of 1972, is amended as follows:

67-3-69. (1) Except as to Sections 67-3-17, 67-3-23, 67-3-27, 67-3-55 and 67-3-57, any violation of any provision of this chapter or of any rule or regulation of the commissioner, shall be a misdemeanor and, where the punishment therefor is not elsewhere prescribed in this section, shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or imprisonment for not more than six (6) months, or both, in the discretion of the court. If any person so convicted shall be the holder of any permit or license issued by the commissioner under authority of this chapter, the permit or license shall from and after the date of such conviction be void and the holder thereof shall not thereafter, for a period of one (1) year from the date of such conviction, be entitled to any permit or license for any purpose authorized by this chapter. Upon conviction of the holder of any permit or license, the appropriate law enforcement officer shall seize the permit or license and transmit it to the commissioner.

(2) (a) Any person who shall violate any provision of Section 67-3-17, 67-3-23, 67-3-27 or 67-3-55 shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment in the county jail for not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(b) Any person who shall violate any provision of Section 67-3-57 shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not more than one (1) year, or by both, in the discretion of the court. Any person convicted of violating any provision of the sections referred to in this subsection shall forfeit his permit, and shall not thereafter be permitted to engage in any business taxable under the provisions of Sections 27-71-301 through 27-71-347.

(3) If the holder of a permit, or the employee of the holder of a permit, shall be convicted of selling any beer, light spirit product or wine to anyone who is visibly intoxicated from the licensed premises or to any person under the age of twenty-one (21) years from the licensed premises in violation of Section 67-3-53(b), then, in addition to any other penalty provided for by law, the commissioner may impose the following penalties against the holder of a permit:

(a) For the first offense on the licensed premises, by a fine of not less than Five Hundred Dollars ($500.00) nor more than One Thousand Dollars ($1,000.00) and/or suspension of the permit for not more than three (3) months.

(b) For a second offense occurring on the licensed premises within twelve (12) months of the first offense, by a fine of not less than Five Hundred Dollars ($500.00) nor more than Two Thousand Dollars ($2,000.00) and/or suspension of the permit for not more than six (6) months.

(c) For a third offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.

(d) For a fourth or subsequent offense occurring on the licensed premises within twelve (12) months of the first, by a fine of not less than Two Thousand Dollars ($2,000.00) nor more than Five Thousand Dollars ($5,000.00) and/or suspension or revocation of the permit to sell beer, light spirit product or light wine.

(4) A person who sells any beer, light spirit product or wine to a person under the age of twenty-one (21) years shall not be guilty of a violation of Section 67-3-53(b) if the person under the age of twenty-one (21) years represents himself to be twenty-one (21) years of age or older by displaying an apparently

valid Mississippi driver's license containing a physical description consistent with his appearance or by displaying some other apparently valid identification card or document containing a picture and physical description consistent with his appearance for the purpose of inducing the person to sell beer, light spirit product or wine to him.

(5) If a small craft brewery is convicted of violating the provisions of Section 67-3-48, then, in addition to any other provision provided for by law, the small craft brewery shall be punished as follows:

(a) For the first offense, the small craft brewery may be fined in an amount not to exceed Five Hundred Dollars ($500.00).

(b) For a second offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed One Thousand Dollars ($1,000.00).

(c) For a third or subsequent offense occurring within twelve (12) months of the first offense, the small craft brewery may be fined an amount not to exceed Five Thousand Dollars ($5,000.00) and the permit to operate as a manufacturer shall be suspended for thirty (30) days.

SECTION 8. Section 75-9-503, Mississippi Code of 1972, is amended as follows:

75-9-503. (a) A financing statement sufficiently provides the name of the debtor:

(1) Except as otherwise provided in paragraph (3), if the debtor is a registered organization or the collateral is held in a trust that is a registered organization, only if the financing statement provides the name that is stated to be the registered organization's name on the public organic record most recently filed with or issued or enacted by the registered organization's jurisdiction of organization which purports to state, amend or restate the registered organization's name;

(2) Subject to subsection (f) if the collateral is being administered by the personal representative of a decedent, only if the financing statement provides, as the name of the debtor, the name of the decedent and, in a separate part of the financing statement, indicates that collateral is being administered by a personal representative;

(3) If the collateral is held in a trust that is not a registered organization, only if the financing statement:

(A) Provides, as the name of the debtor:

(i) If the organic record of the trust specifies a name for the trust, the name specified; or

(ii) If the organic record of the trust does not specify a name for the trust, the name of the settlor or testator; and

(B) In a separate part of the financing statement:

(i) If the name is provided in accordance with subparagraph (A)(i), indicates that the collateral is held in a trust; or

(ii) If the name is provided in accordance with subparagraph (A)(ii), provides additional information sufficient to distinguish the trust from other trusts having one or more of the same settlors or the same testator and indicates that the collateral is held in a trust, unless the additional information so indicates;

(4) Subject to subsection (g), if the debtor is an individual to whom this state has issued a driver's license or nondriver's identification card that has not expired, or if the debtor furnishes a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth that has not expired, only if the financing statement provides the name of the individual which is indicated on the driver's license * * *, nondriver's identification card or tribal identification card;

(5) If the debtor is an individual to whom paragraph (4) does not apply, only if the financing statement provides the individual name of the debtor or the surname and first personal name of the debtor; and

(6) In other cases:

(A) If the debtor has a name, only if the financing statement provides the organizational name of the debtor; and

(B) If the debtor does not have a name, only if it provides the names of the partners, members, associates, or other persons comprising the debtor, in a manner that each name provided would be sufficient if the person named were the debtor.

(b) A financing statement that provides the name of the debtor in accordance with subsection (a) is not rendered ineffective by the absence of:

(1) A trade name or other name of the debtor; or

(2) Unless required under subsection (a)(6)(B), names of partners, members, associates, or other persons comprising the debtor.

(c) A financing statement that provides only the debtor's trade name does not sufficiently provide the name of the debtor.

(d) Failure to indicate the representative capacity of a secured party or representative of a secured party does not affect the sufficiency of a financing statement.

(e) A financing statement may provide the name of more than one (1) debtor and the name of more than one (1) secured party.

(f) The name of the decedent indicated on the order appointing the personal representative of the decedent issued by the court having jurisdiction over the collateral is sufficient as the "name of the decedent" under subsection (a)(2).

(g) If this state has issued to an individual more than one (1) driver's license or nondriver's identification card of a kind described in subsection (a)(4), the one that was issued most recently is the one to which subsection (a)(4) refers.

(h) In this section, the "name of the settlor or testator" means:

(1) If the settlor is a registered organization, the name that is stated to be the settlor's name on the public organic record most recently filed with or issued or enacted by the settlor's jurisdiction of organization which purports to state, amend, or restate the settlor's name; or

(2) In other cases, the name of the settlor or testator indicated in the trust's organic record.

SECTION 9. Section 75-24-29, Mississippi Code of 1972, is amended as follows:

75-24-29. (1) This section applies to any person who conducts business in this state and who, in the ordinary course of the person's business functions, owns, licenses or maintains personal information of any resident of this state.

(2) For purposes of this section, the following terms shall have the meanings ascribed unless the context clearly requires otherwise:

(a) "Breach of security" means unauthorized acquisition of electronic files, media, databases or computerized data containing personal information of any resident of this state when

access to the personal information has not been secured by encryption or by any other method or technology that renders the personal information unreadable or unusable;

(b) "Personal information" means an individual's first name or first initial and last name in combination with any one or more of the following data elements:

(i) Social security number;

(ii) Driver's license number * * *, state identification card number or tribal identification card number; or

(iii) An account number or credit or debit card number in combination with any required security code, access code or password that would permit access to an individual's financial account; "personal information" does not include publicly available information that is lawfully made available to the general public from federal, state or local government records or widely distributed media;

(iv) "Affected individual" means any individual who is a resident of this state whose personal information was, or is reasonably believed to have been, intentionally acquired by an unauthorized person through a breach of security.

(3) A person who conducts business in this state shall disclose any breach of security to all affected individuals. The disclosure shall be made without unreasonable delay, subject to the provisions of subsections (4) and (5) of this section and the

completion of an investigation by the person to determine the nature and scope of the incident, to identify the affected individuals, or to restore the reasonable integrity of the data system. Notification shall not be required if, after an appropriate investigation, the person reasonably determines that the breach will not likely result in harm to the affected individuals.

(4) Any person who conducts business in this state that maintains computerized data which includes personal information that the person does not own or license shall notify the owner or licensee of the information of any breach of the security of the data as soon as practicable following its discovery, if the personal information was, or is reasonably believed to have been, acquired by an unauthorized person for fraudulent purposes.

(5) Any notification required by this section shall be delayed for a reasonable period of time if a law enforcement agency determines that the notification will impede a criminal investigation or national security and the law enforcement agency has made a request that the notification be delayed. Any such delayed notification shall be made after the law enforcement agency determines that notification will not compromise the criminal investigation or national security and so notifies the person of that determination.

(6) Any notice required by the provisions of this section may be provided by one (1) of the following methods: (a) written

notice; (b) telephone notice; (c) electronic notice, if the person's primary means of communication with the affected individuals is by electronic means or if the notice is consistent with the provisions regarding electronic records and signatures set forth in 15 USCS 7001; or (d) substitute notice, provided the person demonstrates that the cost of providing notice in accordance with paragraph (a), (b) or (c) of this subsection would exceed Five Thousand Dollars ($5,000.00), that the affected class of subject persons to be notified exceeds five thousand (5,000) individuals or the person does not have sufficient contact information. Substitute notice shall consist of the following: electronic mail notice when the person has an electronic mail address for the affected individuals; conspicuous posting of the notice on the website of the person if the person maintains one; and notification to major statewide media, including newspapers, radio and television.

(7) Any person who conducts business in this state that maintains its own security breach procedures as part of an information security policy for the treatment of personal information, and otherwise complies with the timing requirements of this section, shall be deemed to be in compliance with the security breach notification requirements of this section if the person notifies affected individuals in accordance with the person's policies in the event of a breach of security. Any person that maintains such a security breach procedure pursuant to

the rules, regulations, procedures or guidelines established by the primary or federal functional regulator, as defined in 15 USCS 6809(2), shall be deemed to be in compliance with the security breach notification requirements of this section, provided the person notifies affected individuals in accordance with the policies or the rules, regulations, procedures or guidelines established by the primary or federal functional regulator in the event of a breach of security of the system.

(8) Failure to comply with the requirements of this section shall constitute an unfair trade practice and shall be enforced by the Attorney General; however, nothing in this section may be construed to create a private right of action.

SECTION 10. Section 75-67-305, Mississippi Code of 1972, is amended as follows:

75-67-305. (1) At the time of making the pawn or purchase transaction, the pawnbroker shall enter upon the pawn ticket a record of the following information which shall be typed or written in ink and in the English language:

(a) A clear and accurate description of the property, including the following:

(i) Brand name;

(ii) Model number;

(iii) Serial number;

(iv) Size;

(v) Color, as apparent to the untrained eye;

(vi) Precious metal type, weight and content, if known;

(vii) Gemstone description, including the number of stones;

(viii) In the case of firearms, the type of action, caliber or gauge, number of barrels, barrel length and finish; and

(ix) Any other unique identifying marks, numbers, names or letters;

(b) The name, residence address and date of birth of pledgor or seller;

(c) Date of pawn or purchase transaction;

(d) Driver's license number * * *, social security number * * *, Mississippi identification card number, as defined in Section 45-35-1, * * * or tribal identification card number of the pledgor or seller or identification information verified by at least two (2) forms of identification, one (1) of which * * * must be a photographic identification;

(e) Description of the pledgor including approximate height, sex and race;

(f) Amount of cash advanced;

(g) The maturity date of the pawn transaction and the amount due; and

(h) The monthly rate and pawn charge. Such rates and charges shall be disclosed using the requirements prescribed in

Regulation Z (Truth in Lending) of the rules and regulations of the Board of Governors of the Federal Reserve.

(2) Each pawn or purchase transaction document shall be consecutively numbered and entered in a corresponding log or record book. Separate logs or record books for pawn and purchase transactions shall be kept.

(3) Records may be in the form of traditional hard copies, computer printouts or magnetic media if readily accessible for viewing on a screen with the capability of being promptly printed upon request.

(4) Every licensee shall maintain a record which indicates the total number of accounts and the total dollar value of all pawn transactions outstanding as of December 31 of each year.

SECTION 11. Section 75-95-5, Mississippi Code of 1972, is amended as follows:

75-95-5. (1) Each dealer shall keep the following information for six (6) months from the date of purchase of a precious item:

(a) The name, current address, date of birth and signature of the person from whom the dealer purchased the item.

(b) A description of the person, including height, weight, race, complexion and hair color.

(c) A copy and the serial number of a valid identification card number, as required under subsection (2).

(d) A list describing the items purchased from that

person.

Upon the request of a local law enforcement agency, the dealer must make available any of the information required under this subsection.

(2) Before making a purchase, a dealer shall require the person from whom he or she is purchasing the precious item to identify himself or herself with a valid driver's license, nondriver's identification card, armed services identification card, tribal identification card or other valid photo identification sufficient to obtain the information required under subsection (1). The photo identification must contain a traceable serial number, which must be recorded by the dealer. The local law enforcement agency shall make available to each dealer a list of the forms of photo identification that are acceptable under this chapter. A valid, unexpired tribal identification card is acceptable under this chapter.

(3) Each dealer, at least once each week in which he or she makes a purchase, shall make out and deliver to the local law enforcement agency a true, complete and legible list of all items purchased during the period since the last report. If the local law enforcement agency has issued forms for the making of the reports, the dealer must use those forms to meet the requirements of this subsection. The list of items must include the following:

(a) The brand name and serial number, if any, of the item or items purchased.

(b) An accurate description of each item sufficient to enable the law enforcement agency to identify the item.

(c) The date and time when the item was received.

(d) The amount paid for each item.

(e) All information required under subsection (1) of this section.

SECTION 12. Section 93-1-5, Mississippi Code of 1972, is amended as follows:

93-1-5. (1) Every male who is at least seventeen (17) years old and every female who is at least fifteen (15) years old shall be capable in law of contracting marriage. However, males and females under the age of twenty-one (21) years must furnish the circuit clerk satisfactory evidence of consent to the marriage by the parents or guardians of the parties. It shall be unlawful for the circuit court clerk to issue a marriage license until the following conditions precedent have been complied with:

(a) Application for the license is to be made in writing to the clerk of the circuit court of any county in the State of Mississippi. The application shall be sworn to by both applicants and shall include:

(i) The names, ages and addresses of the parties applying;

(ii) The names and addresses of the parents of the applicants, and, for applicants under the age of twenty-one (21),

if no parents, then names and addresses of the guardian or next of kin;

(iii) The signatures of witnesses; and

(iv) Any other data that may be required by law or the State Board of Health.

(b) Proof of age shall be presented to the circuit court clerk in the form of either a birth certificate, baptismal record, armed service discharge, armed service identification card, life insurance policy, insurance certificate, school record, driver's license, tribal identification card or other official document evidencing age. The document substantiating age and date of birth shall be examined by the circuit court clerk before whom application is made, and the circuit court clerk shall retain in his file with the application the document or a certified or photostatic copy of the document.

(c) Applicants under the age of twenty-one (21) must submit affidavits showing the age of both applying parties made by either the father, mother, guardian or next of kin of each of the contracting parties and filed with the clerk of the circuit court along with the application.

(d) If the male applicant is under seventeen (17) years of age or the female is under fifteen (15) years of age, and satisfactory proof is furnished to the judge of any circuit, chancery or county court that sufficient reasons exist and that the parties desire to be married to each other and that the

parents or other person in loco parentis of the person or persons so under age consent to the marriage, then the judge of any such court in the county where either of the parties resides may waive the minimum age requirement and by written instrument authorize the clerk of the court to issue the marriage license to the parties if they are otherwise qualified by law. Authorization shall be a part of the confidential files of the clerk of the court, subject to inspection only by written permission of the judge.

(e) In no event shall a license be issued by the circuit court clerk when it appears to the circuit court clerk that the applicants are, or either of them is:

(i) Intoxicated; or

(ii) Suffering from a mental illness or an intellectual disability to the extent that the clerk believes that the person does not understand the nature and consequences of the application for a marriage license.

(2) Any circuit clerk shall be liable under his official bond because of noncompliance with the provisions of this section.

(3) Any circuit court clerk who issues a marriage license without complying with the provisions of this section shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than Fifty Dollars ($50.00) and not more than Five Hundred Dollars ($500.00).

SECTION 13. Section 93-29-13, Mississippi Code of 1972, is amended as follows:

93-29-13. **Factors to Determine Risk of Abduction.** (a) In determining whether there is a credible risk of abduction of a child, the court shall consider any evidence that the petitioner or respondent:

(1) Has previously abducted or attempted to abduct the child;

(2) Has threatened to abduct the child;

(3) Has recently engaged in activities that may indicate a planned abduction, including:

(A) Abandoning employment;

(B) Selling a primary residence;

(C) Terminating a lease;

(D) Closing bank or other financial management accounts, liquidating assets, hiding or destroying financial documents or conducting any unusual financial activities;

(E) Applying for a passport or visa or obtaining travel documents for the respondent, a family member or the child; or

(F) Seeking to obtain the child's birth certificate or school or medical records;

(4) Has engaged in domestic violence, stalking or child abuse or neglect;

(5) Has refused to follow a child-custody determination;

(6) Lacks strong familial, financial, emotional or cultural ties to the state or the United States;

(7) Has strong familial, financial, emotional or cultural ties to another state or country;

(8) Is likely to take the child to a country that:

(A) Is not a party to the Hague Convention on the Civil Aspects of International Child Abduction and does not provide for the extradition of an abducting parent or for the return of an abducted child;

(B) Is a party to the Hague Convention on the Civil Aspects of International Child Abduction but:

(i) The Hague Convention on the Civil Aspects of International Child Abduction is not in force between the United States and that country;

(ii) Is noncompliant according to the most recent compliance report issued by the United States Department of State; or

(iii) Lacks legal mechanisms for immediately and effectively enforcing a return order under the Hague Convention on the Civil Aspects of International Child Abduction;

(C) Poses a risk that the child's physical or emotional health or safety would be endangered in the country

because of specific circumstances relating to the child or because of human rights violations committed against children;

(D) Has laws or practices that would:

(i) Enable the respondent, without due cause, to prevent the petitioner from contacting the child;

(ii) Restrict the petitioner from freely traveling to or exiting from the country because of the petitioner's gender, nationality, marital status or religion; or

(iii) Restrict the child's ability legally to leave the country after the child reaches the age of majority because of a child's gender, nationality or religion;

(E) Is included by the United States Department of State on a current list of state sponsors of terrorism;

(F) Does not have an official United States diplomatic presence in the country; or

(G) Is engaged in active military action or war, including a civil war, to which the child may be exposed;

(9) Is undergoing a change in immigration or citizenship status that would adversely affect the respondent's ability to remain in the United States legally;

(10) Has had an application for United States citizenship denied;

(11) Has forged or presented misleading or false evidence on government forms or supporting documents to obtain or attempt to obtain a passport, a visa, travel documents, a social

security card, a driver's license, nondriver identification card, tribal identification card or other government-issued identification card or has made a misrepresentation to the United States government;

(12) Has used multiple names to attempt to mislead or defraud; or

(13) Has engaged in any other conduct the court considers relevant to the risk of abduction.

(b) In the hearing on a petition under this chapter, the court shall consider any evidence that the respondent believed in good faith that the respondent's conduct was necessary to avoid imminent harm to the child or respondent and any other evidence that may be relevant to whether the respondent may be permitted to remove or retain the child.

SECTION 14. Section 97-17-71, Mississippi Code of 1972, is amended as follows:

97-17-71. (1) For the purposes of this section, the following terms shall have the meanings ascribed in this section:

(a) "Railroad materials" means any materials, equipment and parts used in the construction, operation, protection and maintenance of a railroad.

(b) "Copper materials" means any copper wire, bars, rods or tubing, including copper wire or cable or coaxial cable of the type used by public utilities, common carriers or communication services providers, whether wireless or wire line,

copper air conditioner evaporator coil or condenser, aluminum copper radiators not attached to a motor vehicle, or any combination of these.

(c) "Aluminum materials" means any aluminum cable, bars, rods or tubing of the type used to construct utility, communication or broadcasting towers, aluminum utility wire and aluminum irrigation pipes or tubing. "Aluminum materials" does not include aluminum cans that have served their original economic purpose.

(d) "Law enforcement officer" means any person appointed or employed full time by the state or any political subdivision thereof, or by the state military department as provided in Section 33-1-33, who is duly sworn and vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime, the apprehension of criminals and the enforcement of the criminal traffic laws of this state or the ordinances of any political subdivision thereof.

(e) "Metal property" means materials as defined in this section as railroad track materials, copper materials and aluminum materials and electrical, communications or utility brass, metal covers for service access and entrances to sewers and storm drains, metal bridge pilings, irrigation wiring and other metal property attached to or part of center pivots, grain bins, stainless steel sinks, catalytic converters not attached to a

motor vehicle and metal beer kegs. Metal property does not include ferrous materials not listed in this section.

(f) "Person" means an individual, partnership, corporation, joint venture, trust, limited liability company, association or any other legal or commercial entity.

(g) "Personal identification card" means any government issued photographic identification card including a valid identification card issued by a federally recognized Indian tribe that contains a color photograph of the card holder and the card holder's legal name, residence address and date of birth.

(h) "Photograph" or "photographically" means a still photographic image, including images captured in digital format, that are of such quality that the persons and objects depicted are clearly identifiable.

(i) "Purchase transaction" means a transaction in which a person gives consideration in exchange for metal property.

(j) "Purchaser" means a person who gives consideration in exchange for metal property.

(k) "Record" or "records" means a paper, electronic or other method of storing information.

(l) "Scrap metal dealer" means any person who is engaged, from a fixed location or otherwise, in the business of paying compensation for metal property that has served its original economic purpose, whether or not the person is engaged in the business of performing the manufacturing process by which

metals are converted into raw material products consisting of prepared grades and having an existing or potential economic value.

(2) Every scrap metal dealer or other purchaser shall keep an accurate and legible record in which he shall enter the following information for each purchase transaction:

(a) The name, address and age of the person from whom the metal property is purchased as obtained from the seller's personal identification card;

(b) The date and place of each acquisition of the metal property;

(c) The weight, quantity or volume and a general physical description of the type of metal property, such as wire, tubing, extrusions or casting, purchased in a purchase transaction;

(d) The amount of consideration given in a purchase transaction for the metal property;

(e) The vehicle license tag number, state of issue and the make and type of the vehicle used to deliver the metal property to the purchaser;

(f) If a person other than the seller delivers the metal property to the purchaser, the name, address and age of the person who delivers the metal property;

(g) A signed statement from the person receiving consideration in the purchase transaction stating that he is the

rightful owner of the metal property or is entitled to sell the metal property being sold;

(h) (i) A scanned copy or a photocopy of the personal identification card of the person receiving consideration in the purchase transaction; or

(ii) If a person other than the seller delivers the metal property to the purchaser, a scanned copy or a photocopy of the personal identification card of the person delivering the metal property to the purchaser; and

(i) A photograph, videotape or similar likeness of the person receiving consideration or any person other than the seller who delivers the metal property to the purchaser in which the person's facial features are clearly visible and in which the metal property the person is selling or delivering is clearly visible.

Such records shall be maintained by the scrap metal dealer or purchaser for not less than two (2) years from the date of the purchase transaction, and such records shall be made available to any law enforcement officer during usual and customary business hours.

(3) The purchaser of metal property must hold the metal property separate and identifiable from other purchases for not less than three (3) business days from the date of purchase. The purchaser shall also photographically capture the metal property in the same form, without change, in which the metal property was

acquired, and maintain the photograph for a period of not less than two (2) years. The time and date shall be digitally recorded on the photograph, and the identity of the person taking the photograph shall be recorded. The purchaser shall permit any law enforcement officer to make an inspection of the metal property during the holding period, and of all photographs of the metal property. Any photograph of metal property taken and maintained pursuant to this subsection shall be admissible in any civil or criminal proceeding.

(4) During the usual and customary business hours of a scrap metal dealer or other purchaser, a law enforcement officer, after proper identification as a law enforcement officer, shall have the right to inspect all purchased metal property in the possession of the scrap metal dealer or purchaser.

(5) (a) Whenever a law enforcement officer has reasonable cause to believe that any item of metal property in the possession of a scrap metal dealer or other purchaser has been stolen, a law enforcement officer who has an affidavit from the alleged rightful owner of the property identifying the property with specificity, including any identifying markings, may issue and deliver a written hold notice to the scrap metal dealer or other purchaser. The hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the hold notice. Upon receipt of the notice, the scrap metal dealer or other purchaser may not process or remove the

metal property identified in the notice from the place of business of the scrap metal dealer or purchaser for fifteen (15) calendar days after receipt of the notice, unless sooner released by a law enforcement officer.

(b) No later than the expiration of the fifteen-day period, a law enforcement officer, after receiving additional substantive evidence beyond the initial affidavit, may issue and deliver a second written hold notice, which shall be an extended hold notice. The extended hold notice shall specifically identify those items of metal property that are believed to have been stolen and that are subject to the extended hold notice. Upon receipt of the extended hold notice, the scrap metal dealer or purchaser may not process or remove the items of metal property identified in the notice from the place of business of the scrap metal dealer or purchaser for fifteen (15) calendar days after receipt of the extended hold notice, unless sooner released by a law enforcement officer.

(c) At the expiration of the hold period or, if extended in accordance with this subsection, at the expiration of the extended hold period, the hold is automatically released, then the scrap metal dealer or purchaser may dispose of the metal property unless other disposition has been ordered by a court of competent jurisdiction.

(d) If the scrap metal dealer or other purchaser contests the identification or ownership of the metal property,

the party other than the scrap metal dealer or other purchaser claiming ownership of any metal property in the possession of a scrap metal dealer or other purchaser, provided that a timely report of the theft of the metal property was made to the proper authorities, may bring a civil action in the circuit court of the county in which the scrap metal dealer or purchaser is located. The petition for the action shall include the means of identification of the metal property utilized by the petitioner to determine ownership of the metal property in the possession of the scrap metal dealer or other purchaser.

(e) When a lawful owner recovers stolen metal property from a scrap metal dealer or other purchaser who has complied with this section, and the person who sold the metal property to the scrap metal dealer or other purchaser is convicted of a violation of this section, or theft by receiving stolen property under Section 97-17-70, the court shall order the convicted person to make full restitution to the scrap metal dealer or other purchaser, including, without limitation, attorney's fees, court costs and other expenses.

(6) This section shall not apply to purchases of metal property from any of the following:

(a) A law enforcement officer acting in an official capacity;

(b) A trustee in bankruptcy, executor, administrator or receiver who has presented proof of such status to the scrap metal dealer;

(c) Any public official acting under a court order who has presented proof of such status to the scrap metal dealer;

(d) A sale on the execution, or by virtue of any process issued by a court, if proof thereof has been presented to the scrap metal dealer; or

(e) A manufacturing, industrial or other commercial vendor that generates or sells regulated metal property in the ordinary course of its business.

(7) It shall be unlawful for any person to give a false statement of ownership or to give a false or altered identification or vehicle tag number and receive money or other consideration from a scrap metal dealer or other purchaser in return for metal property.

(8) A scrap metal dealer or other purchaser shall not enter into any cash transactions in payment for the purchase of metal property. Payment shall be made by check issued to the seller of the metal, made payable to the name and address of the seller and mailed to the recorded address of the seller, or by electronic funds transfer. Payment shall not be made for a period of three (3) days after the purchase transaction.

(9) If a person acquiring metal property fails to maintain the records or to hold such materials for the period of time

prescribed by this section, such failure shall be prima facie evidence that the person receiving the metal property received it knowing it to be stolen in violation of Section 97-17-70.

(10) It shall be unlawful for any person to transport or cause to be transported for himself or another from any point within this state to any point outside this state any metal property, unless the person or entity first reports to the sheriff of the county from which he departs this state transporting such materials the same information that a purchaser in this state would be required to obtain and keep in a record as set forth in subsection (2) of this section. In such a case the sheriff receiving the report shall keep the information in records maintained in his office as a public record available for inspection by any person at all reasonable times. This section shall not apply to a public utility, as that term is defined in Section 77-3-3, engaged in carrying on utility operations; to a railroad, as that term is defined in Section 77-9-5; to a communications service provider, whether wireless or wire line; to a scrap metal dealer; or to a person identified in subsection (6) as being exempt from the provisions of this section.

(11) It shall be unlawful for a scrap metal dealer or other purchaser to knowingly purchase or possess a metal beer keg, or a metal syrup tank generally used by the soft drink industry, whether damaged or undamaged, or any reasonably recognizable part thereof, on any premises that the dealer uses to buy, sell, store,

shred, melt, cut or otherwise alter scrap metal. However, it shall not be unlawful to purchase or possess a metal syrup tank generally used by the soft drink industry if the scrap metal dealer or other purchaser obtains a bill of sale at the time of purchase from a seller if the seller is a manufacturer of such tanks, a soft drink company or a soft drink distributor.

(12) It shall be unlawful to sell to a scrap metal dealer any bronze vase and/or marker, memorial, statue, plaque, or other bronze object used at a cemetery or other location where deceased persons are interred or memorialized, or for any such dealer to purchase those objects, unless the source of the bronze is known and notice is provided to the municipal or county law enforcement agency where the dealer is located. The notice shall identify all names, letters, dates and symbols on the bronze and a photograph of the bronze shall be attached thereto. Written permission from the cemetery and the appropriate law enforcement agency must be received before any type of bronze described in this subsection may be purchased, processed, sold or melted.

(13) It shall be unlawful for any scrap metal dealer to purchase any manhole cover and other similar types of utility access covers, including storm drain covers, or any metal property clearly identified as belonging to a political subdivision of the state or a municipality, unless that metal property is purchased from the political subdivision, the municipal utility or the manufacturer of the metal. Any purchaser who purchases metal

property in bulk shall be allowed twenty-four (24) hours to determine if any metal property prohibited by this subsection is included in a bulk purchase. If such prohibited metal property is included in a bulk purchase, the purchaser shall notify law enforcement no later than twenty-four (24) hours after the purchase.

(14) It shall be unlawful for a scrap metal dealer or other purchaser to purchase metal property from a person younger than eighteen (18) years of age.

(15) Metal property may not be purchased, acquired or collected between the hours of 9:00 p.m. and 6:00 a.m.

(16) Except as provided in this subsection, any person willfully or knowingly violating the provisions of this section shall, upon conviction thereof, be deemed guilty of a misdemeanor, and shall be punished by a fine not to exceed One Thousand Dollars ($1,000.00) per offense, unless the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds One Thousand Dollars ($1,000.00) but less than Five Thousand Dollars ($5,000.00), in which case the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed five (5) years, fined not more than Ten Thousand Dollars ($10,000.00), or both. Any person

found guilty of stealing metal property or receiving metal property, knowing it to be stolen in violation of Section 97-17-70, shall be ordered to make full restitution to the victim, including, without limitation, restitution for property damage that resulted from the theft of the property.

(17) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds Five Thousand Dollars ($5,000.00) but less than Twenty-five Thousand Dollars ($25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed ten (10) years, fined not more than Ten Thousand Dollars ($10,000.00), or both.

(18) If the purchase transaction or transactions related to the violation, in addition to any costs which are, or would be, incurred in repairing or in the attempt to recover any property damaged in the theft of or removal of the metal property, are in aggregate an amount which exceeds Twenty-five Thousand Dollars ($25,000.00), the person shall be guilty of a felony and shall be imprisoned in the custody of the Department of Corrections for a term not to exceed twenty (20) years, fined not more than Ten Thousand Dollars ($10,000.00), or both.

(19) This section shall not be construed to repeal other criminal laws. Whenever conduct proscribed by any provision of this section is also proscribed by any other provision of law, the provision which carries the more serious penalty shall be applied.

(20) This section shall apply to all businesses regulated under this section without regard to the location within the State of Mississippi.

(21) This section shall not be construed to prohibit municipalities and counties from enacting and implementing ordinances, rules and regulations that impose stricter requirements relating to purchase transactions.

SECTION 15. Section 97-45-1, Mississippi Code of 1972, is amended as follows:

97-45-1. For the purposes of this chapter, the following words shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Access" means to program, to execute programs on, to communicate with, store data in, retrieve data from or otherwise make use of any resources, including data or programs, of a computer, computer system or computer network.

(b) "Computer" includes an electronic, magnetic, optical or other high-speed data processing device or system performing logical arithmetic and storage functions and includes any property, data storage facility or communications facility directly related to or operating in conjunction with such device

or system. "Computer" shall not include an automated typewriter or typesetter, a machine designed solely for word processing which contains no database intelligence or a portable hand-held calculator nor shall "computer" include any other device which contains components similar to those in computers but in which the components have the sole function of controlling the device for the single purpose for which the device is intended unless the thus controlled device is a processor of data or is a storage of intelligence in which case it too is included.

(c) "Computer network" means a set of related, remotely connected devices and communication facilities including at least one (1) computer system with the capability to transmit data through communication facilities.

(d) "Computer program" means an ordered set of data representing coded instructions or statements that when executed by a computer cause the computer to process data.

(e) "Computer software" means a set of computer programs, procedures and associated documentation concerned with operation of a computer system.

(f) "Computer system" means a set of functionally related, connected or unconnected, computer equipment, devices or computer software.

(g) "Computer services" means providing access to or service or data from a computer, a computer system or a computer network and includes the actual data processing.

(h) "Credible threat" means a threat made with the intent and the apparent ability to carry out the threat so as to cause the person who is the target of the threat to reasonably fear for his or her safety.

(i) "Loss or damage" includes any reasonable cost to any victim, including the cost of responding to an offense, conducting a damage assessment, and restoring the data, program, system, or information to its condition prior to the offense, and any revenue lost, cost incurred or other consequential damages incurred because of interruption of service.

(j) "Device" includes, but is not limited to, an electronic, magnetic, electrochemical, biochemical, hydraulic, optical, or organic object that performs input, output, or storage functions by the manipulation of electronic, magnetic or other impulses.

(k) "Electronic communication" means any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature, transmitted in whole or in part by a wire, radio, computer, electromagnetic, photoelectric or photo-optical system.

(l) "Electronic mail" means the transmission of information or communication by the use of the Internet, a computer, a facsimile machine, a pager, a cellular telephone, a video recorder or other electronic means sent to a person identified by a unique address or address number and received by that person.

(m) "Emotional distress" means significant mental suffering or distress that may, but does not necessarily, require medical or other professional treatment or counseling.

(n) "Financial instrument" means any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, credit card as defined in Section 97-19-9(b), Mississippi Code of 1972, or marketable security.

(o) "Financial transaction device" means any of the following:

(i) An electronic funds transfer card.

(ii) A credit card.

(iii) A debit card.

(iv) A point-of-sale card.

(v) Any instrument, device, card, plate, code, account number, personal identification number, or a record or copy of a code, account number, or personal identification number or other means of access to a credit account or deposit account, or a driver's license or state identification card used to access a proprietary account, other than access originated solely by a paper instrument, that can be used alone or in conjunction with another access device, for any of the following purposes.

1. Obtaining money, cash refund or credit account credit, goods, services or any other thing of value.

2. Certifying or guaranteeing to a person or business the availability to the device holder of funds on deposit

to honor a draft or check payable to the order of that person or business.

3. Providing the device holder access to a deposit account for the purpose of making deposits, withdrawing funds, transferring funds between deposit accounts, obtaining information pertaining to a deposit account or making an electronic funds transfer.

(p) "Intellectual property" includes data, computer programs, computer software, trade secrets, copyrighted materials and confidential or proprietary information in any form or medium when such is stored in, produced by or intended for use or storage with or in a computer, a computer system or a computer network.

(q) "Internet" means that term as defined in Section 230 of Title II of the Communications Act of 1934, Chapter 652, 110 Stat. 137, 47 USCS 230.

(r) "Medical records" includes, but is not limited to, medical and mental health histories, reports, summaries, diagnoses and prognoses, treatment and medication information, notes, entries, and x-rays and other imaging records.

(s) "Personal identity information" means any of the following information of another person:

(i) A social security number.

(ii) A driver's license number * * *, state personal identification card number or tribal identification card number.

(iii) Employment information.

(iv) Information regarding any financial account held by another person including, but not limited to, any of the following:

1. A savings or checking account number.

2. A financial transaction device account number.

3. A stock or other security certificate or account number.

4. A personal information number for an account described in items 1 through 4.

(t) "Post a message" means transferring, sending, posting, publishing, disseminating, or otherwise communicating or attempting to transfer, send, post, publish, disseminate or otherwise communicate information, whether truthful or untruthful, about the victim.

(u) "Property" means property as defined in Section 1-3-45, Mississippi Code of 1972, and shall specifically include, but not be limited to, financial instruments, electronically stored or produced data and computer programs, whether in machine readable or human readable form.

(v) "Proper means" includes:

(i) Discovery by independent invention;

(ii) Discovery by "reverse engineering"; that is, by starting with the known product and working backward to find

the method by which it was developed. The acquisition of the known product must be by lawful means;

(iii) Discovery under license or authority of the owner;

(iv) Observation of the property in public use or on public display; or

(v) Discovery in published literature.

(w) "Unconsented contact" means any contact with another individual that is initiated or continued without that individual's consent or in disregard of that individual's expressed desire that the contact be avoided or discontinued. Unconsented contact includes any of the following:

(i) Following or appearing within sight of the victim.

(ii) Approaching or confronting the victim in a public place or on private property.

(iii) Appearing at the victim's workplace or residence.

(iv) Entering onto or remaining on property owned, leased or occupied by the victim.

(v) Contacting the victim by telephone.

(vi) Sending mail or electronic communications to the victim through the use of any medium, including the Internet or a computer, computer program, computer system or computer network.

(vii) Placing an object on, or delivering or having delivered an object to, property owned, leased or occupied by the victim.

(x) "Use" means to make use of, to convert to one's service, to avail oneself of or to employ. In the context of this chapter, "use" includes to instruct, communicate with, store data in or retrieve data from, or otherwise utilize the logical arithmetic or memory functions of a computer.

(y) "Victim" means the individual who is the target of the conduct elicited by the posted message or a member of that individual's immediate family.

SECTION 16. Section 45-35-13, Mississippi Code of 1972, is amended as follows:

45-35-13. (1) No person shall:

(a) Display, or cause or permit to be displayed, or have in his possession, any cancelled, fictitious, fraudulently altered or fraudulently obtained identification cards;

(b) Lend an identification card to any person or knowingly permit the use thereof by another;

(c) Display or represent any identification card not issued to him as being his card;

(d) Permit any unlawful use of an identification card issued to him;

(e) Do any act forbidden or fail to perform any act required by this article;

(f) Photograph, photostat, duplicate or in any way reproduce, manufacture, sell or distribute any identification card or facsimile thereof so that it could be mistaken for a valid identification card; or

(g) Display or have in his possession any photograph, photostat, duplicate, reproduction or facsimile of an identification card unless authorized by the provisions of this article.

(2) Any person convicted of a violation of any provision of * * * paragraph (a), (b), (c), (d), (e) or (g) of subsection (1) of this section is guilty of a misdemeanor and shall be punished by a fine of not more than Five Hundred Dollars ($500.00) or by imprisonment for not more than thirty (30) days, or by both such fine and imprisonment.

(3) Any person under twenty-one (21) years of age at the time of the offense who is convicted of a violation of paragraph (f) of subsection (1) of this section shall be punished as follows:

(a) A first offense shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars ($500.00), or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

(b) A second or subsequent offense, the offenses being committed within a period of five (5) years, shall be a misdemeanor punishable by a fine of not more than Five Thousand

Dollars ($5,000.00), or by imprisonment for not more than one (1) year, or by both such fine and imprisonment.

(4) Any person twenty-one (21) years of age or older at the time of the offense who is convicted of a violation of paragraph (f) of subsection (1) of this section is guilty of a felony and shall be punished by a fine of not less than Five Thousand Dollars ($5,000.00), or imprisonment for not more than three (3) years, or by both such fine and imprisonment.

SECTION 17. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 286

Description: Cemeteries; authorize to disinter and reinter dead human remains for next of kin instructions.

Fiscal Note: No fiscal note conducted

Background Information:
Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary B
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/18	(S) Referred To Judiciary, Division A
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 041-0037-0025, A 041-0039-0117

----- Additional Information -----

House Committee: Judiciary B
Senate Committee: Judiciary, Division A

Principal Author: Bain
Additional Authors: Oliver, Williams-Barnes

Title: AN ACT TO AUTHORIZE CEMETERY OWNERS TO DISINTER DEAD HUMAN REMAINS FOR REINTERMENT OR FOR TRANSPORTATION FROM THE CEMETERY PURSUANT TO WRITTEN INSTRUCTIONS OF THE NEXT OF KIN, OR PURSUANT TO A FINAL ORDER OF THE CHANCERY COURT IN THE COUNTY IN WHICH THE CEMETERY IS LOCATED, OR IN ORDER TO CORRECT AN ERROR MADE IN THE ORIGINAL INTERMENT OF THE REMAINS UPON NOTICE; TO PROVIDE IMMUNITY FROM LIABILITY FOR

OWNERS OF CEMETERIES AND FUNERAL ESTABLISHMENTS AND THEIR EMPLOYEES, OFFICERS AND DIRECTORS FOR CLAIMS ARISING FROM THE DISINTERMENT AND REINTERMENT OR DELIVERY OF DEAD HUMAN REMAINS MADE IN ACCORDANCE WITH THIS ACT; TO AMEND SECTIONS 41-37-25 AND 41-39-117, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS.

2021 GENERAL LAWS OF MISSISSIPPI HB 286

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bain, Oliver, Williams-Barnes To: Judiciary B

HOUSE BILL NO. 286

AN ACT TO AUTHORIZE CEMETERY OWNERS TO DISINTER DEAD HUMAN REMAINS FOR REINTERMENT OR FOR TRANSPORTATION FROM THE CEMETERY PURSUANT TO WRITTEN INSTRUCTIONS OF THE NEXT OF KIN, OR PURSUANT TO A FINAL ORDER OF THE CHANCERY COURT IN THE COUNTY IN WHICH THE CEMETERY IS LOCATED, OR IN ORDER TO CORRECT AN ERROR MADE IN THE ORIGINAL INTERMENT OF THE REMAINS UPON NOTICE; TO PROVIDE IMMUNITY FROM LIABILITY FOR OWNERS OF CEMETERIES AND FUNERAL ESTABLISHMENTS AND THEIR EMPLOYEES, OFFICERS AND DIRECTORS FOR CLAIMS ARISING FROM THE DISINTERMENT AND REINTERMENT OR DELIVERY OF DEAD HUMAN REMAINS MADE IN ACCORDANCE WITH THIS ACT; TO AMEND SECTIONS 41-37-25 AND 41-39-117, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) A person or entity that owns a cemetery in which dead human remains are buried or otherwise interred is authorized to disinter individual remains and either reinter the remains at another location within the cemetery or deliver the remains to a carrier for transportation out of the cemetery, all pursuant to written instructions signed and acknowledged by the next of kin of the deceased person as defined in subsection (2) of this section. The costs of the disinterment and reinterment or delivery shall be paid by the next of kin.

(2) For purposes of this section, the term "next of kin"

means the following persons in the priority listed if the person is eighteen (18) years of age or older, is mentally competent, and is willing to assume responsibility for the costs of disposition:

(a) The decedent's spouse, if the spouse has not remarried.

(b) The decedent's children.

(c) The decedent's parents.

(d) The decedent's siblings.

(3) If the person or entity that owns the cemetery has received contrary written instructions from members of the same class with the highest priority under subsection (2) of this section regarding the disinterment and reinterment of the individual remains at another location within the cemetery or delivery of the individual remains for transportation out of the cemetery, the person or entity that owns the cemetery shall act in accordance with the written instructions received from the greatest number of members of the class. If that number is equal, the person or entity that owns the cemetery shall act in accordance with the earlier written instructions unless the person(s) providing the later written instructions is granted an order from the chancery court for the county in which the cemetery is located.

(4) A person or entity that owns a cemetery in which dead human remains are buried or otherwise interred is authorized to disinter individual remains and either reinter the remains at

another location within the cemetery or deliver the remains to a carrier for transportation out of the cemetery, all pursuant to a final order issued by the chancery court for the county in which the cemetery is located. The court may issue the order, in the court's discretion and upon such notice and hearing as the court deems appropriate, for good cause shown. The costs of the disinterment and reinterment or delivery, and the related court proceedings, shall be paid by the persons or entities so ordered by the court.

(5) A person or entity that owns a cemetery in which dead human remains are buried or otherwise interred is authorized, at the cemetery owner's expense, to disinter individual remains and reinter the remains at another location within the cemetery in order to correct an error made in the original burial or interment of the remains. The cemetery owner shall provide written notice of the disinterment and reinterment to the last known address of the known next of kin of the deceased person as defined in subsection (2) of this section, in the priority listed, by certified mail not later than the fifth day after the date the remains are disinterred and reinterred. The notice shall indicate that the remains were disinterred, the reason for the disinterment and reinterment of the remains, and the location of the reinterred remains.

(6) A person or entity that owns a cemetery or funeral establishment, and its employees, officers and directors, shall

not be liable to any person or entity for any claims, causes of action, or damages arising out of or resulting from the original interment and the disinterment and reinterment or delivery of dead human remains made in accordance with this section, except in cases of intentional misconduct or malice.

SECTION 2. Section 41-37-25, Mississippi Code of 1972, is amended as follows:

41-37-25. An autopsy may be performed without court order by a qualified physician when authorized by (a) the decedent, during his lifetime, or (b) any of the following persons who * * * have assumed custody of the body for the purpose of burial: a surviving spouse, either parent or any person in loco parentis, a descendant over the age of eighteen (18) years, a guardian, or the next of kin. In the absence of any of the foregoing persons any friend of the deceased who has assumed responsibility for burial, or any other person charged by law with responsibility for burial, may give such consent. If two (2) or more persons have assumed custody of the body of an adult for purposes of burial, the consent of one (1) such person shall be deemed sufficient.

In the case of a minor, however, the consent of either parent shall be deemed sufficient, unless the other parent gives written notice to the physician who is to perform the autopsy of such parent's objection thereto * * * before the beginning of the autopsy. * * * If neither parent has legal custody of the minor, the guardian shall have the right to authorize an autopsy. The

fees provided in this chapter for autopsies in criminal investigations shall not be applicable to this section.

No autopsy shall be held under this section over the objection of the surviving spouse, or if there be no surviving spouse, of any surviving parent, or if there be neither a surviving spouse nor parent, then of any surviving child.

If the body has already been buried, consent to disinterment of the body for an autopsy without a court order shall be governed by Section 1 of this act.

SECTION 3. Section 41-39-117, Mississippi Code of 1972, is amended as follows:

41-39-117. (a) Subject to subsections (b) and (c) and unless barred by Section 41-39-113 or 41-39-115, an anatomical gift of a decedent's body or part for purpose of transplantation, therapy, research, or education may be made by any member of the following classes of persons who is reasonably available, in the order of priority listed:

(1) An agent of the decedent at the time of death who could have made an anatomical gift under Section 41-39-107(2) immediately before the decedent's death;

(2) The spouse of the decedent;

(3) Adult children of the decedent;

(4) Parents of the decedent;

(5) Adult siblings of the decedent;

(6) Adult grandchildren of the decedent;

(7) Grandparents of the decedent;

(8) An adult who exhibited special care and concern for the decedent;

(9) The persons who were acting as the guardians of the person of the decedent at the time of death; and

(10) Any other person having the authority to dispose of the decedent's body.

(b) If there is more than one (1) member of a class listed in subsection (a)(1), (3), (4), (5), (6), (7), or (9) entitled to make an anatomical gift, an anatomical gift may be made by a member of the class unless that member or a person to which the gift may pass under Section 41-39-121 knows of an objection by another member of the class. If an objection is known, the gift may be made only by a majority of the members of the class who are reasonably available.

(c) A person may not make an anatomical gift if, at the time of the decedent's death, a person in a prior class under subsection (a) is reasonably available to make or to object to the making of an anatomical gift.

(d) If the decedent's body has already been buried, consent to disinterment of the body for any one or more of the purposes specified in subsection (a) of this section shall be governed by Section 1 of this act.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 312

Description: Central Market Board; abolish and transfer functions of to the Mississippi Department of Agriculture and Commerce.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Agriculture
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/22	(S) Referred To Accountability, Efficiency, Transparency
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/10	(S) Motion to Reconsider Tabled
10	03/10	(S) Returned For Enrolling
11	03/11	(S) Enrolled Bill Signed
12	03/11	(H) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 069-0007-0101, A 069-0007-0109, A 069-0007-0113, A 069-0007-0115, A 069-0007-0121, RP 069-0007-0103, RP 069-0007-0105, RP 069-0007-0107, RP 069-0007-0111, RP 069-0007-0117, RP 069-0007-0119

----- Additional Information -----

House Committee: Agriculture
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Pigott
Additional Authors: Mangold, Hopkins

Title: AN ACT TO AMEND SECTION 69-7-101, MISSISSIPPI CODE OF 1972, TO ABOLISH THE CENTRAL MARKET BOARD AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-109, MISSISSIPPI CODE OF 1972, TO

TRANSFER POWERS OF DUTIES OF THE CENTRAL MARKET BOARD TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-113, MISSISSIPPI CODE OF 1972, TO TRANSFER RECORD-KEEPING RESPONSIBILITIES FROM THE STATE MARKET TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-115, MISSISSIPPI CODE OF 1972, TO TRANSFER AUTHORITY OF THE CENTRAL MARKET BOARD FOR THE ACQUISITION OF FACILITIES TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTION 69-7-121, MISSISSIPPI CODE OF 1972, TO TRANSFER AUTHORITY OVER THE CENTRAL MARKET FUND FROM THE CENTRAL MARKET BOARD TO THE DEPARTMENT OF AGRICULTURE; TO REPEAL SECTIONS 69-7-103, 69-7-105, 69-7-107, 69-7-111, 69-7-117 AND 69-7-119, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Pigott, Mangold, Hopkins To: Agriculture

HOUSE BILL NO. 312

AN ACT TO AMEND SECTION 69-7-101, MISSISSIPPI CODE OF 1972, TO ABOLISH THE CENTRAL MARKET BOARD AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-109, MISSISSIPPI CODE OF 1972, TO TRANSFER POWERS OF DUTIES OF THE CENTRAL MARKET BOARD TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-113, MISSISSIPPI CODE OF 1972, TO TRANSFER RECORD-KEEPING RESPONSIBILITIES FROM THE STATE MARKET TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND SECTION 69-7-115, MISSISSIPPI CODE OF 1972, TO TRANSFER AUTHORITY OF THE CENTRAL MARKET BOARD FOR THE ACQUISITION OF FACILITIES TO THE DEPARTMENT OF AGRICULTURE; TO AMEND SECTION 69-7-121, MISSISSIPPI CODE OF 1972, TO TRANSFER AUTHORITY OVER THE CENTRAL MARKET FUND FROM THE CENTRAL MARKET BOARD TO THE DEPARTMENT OF AGRICULTURE; TO REPEAL SECTIONS 69-7-103, 69-7-105, 69-7-107, 69-7-111, 69-7-117 AND 69-7-119, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-7-101, Mississippi Code of 1972, is amended as follows:

69-7-101. The Mississippi Central Market Board is hereby abolished, and all of the powers, duties, property, contractual rights and obligations, and unexpended funds of that commission shall be transferred to the Department of Agriculture and Commerce on July 1, 2021. Wherever the term "Central Market Board" appears in any laws or regulation, the same shall mean the Department of

Agriculture and Commerce, hereinafter referred to as "the department." The transfer of personnel shall be commensurate with the number and classification of positions allocated to the commission.

For the purpose of aiding, establishing and providing proper facilities for the efficient handling of farm and other food products in the interest of farmer, consumer, the general public and the State of Mississippi, and to assist in the disposal and sale of such products, there is hereby created a Mississippi * * * Farmers Market * * *, hereinafter referred to as the " * * * market" at 929 High Street in Jackson.

SECTION 2. Section 69-7-109, Mississippi Code of 1972, is amended as follows:

69-7-109. The * * * Department of Agriculture and Commerce shall have the power to:

(a) Fix salaries of any authorized employees of the market;

(b) Fix rentals and charges for each type of facility constructed in the market, taking into consideration the cost of such facility, the interest and amortization period required, a proper relationship between types of operators in the market, cost of operation, and the need for reasonable reserves, expansion and the like;

(c) Make investigations and hold hearings and conferences necessary to formulate and adopt a financial building

and operating program for a market and make revisions from time to time;

(d) Make rules and regulations which shall govern all such business and all persons and vehicles coming upon the market;

(e) Provide and enforce penalties and liquidated damages relative to breaches of such rules and regulations and any contracts entered into;

(f) Lease the buildings and facilities to farmers, wholesale dealers, retailers and other persons engaged in the wholesale or retail marketing of perishable farm products;

(g) Determine and set the hours when the market may open and close during any day or night throughout the year;

(h) Plan, build, construct or cause to be built or constructed, or lease any facilities, on the grounds under the control of the * * * department, that are deemed necessary for the successful operation of a wholesale or retail market for farm products;

(i) Rent or lease any necessary property, real or personal, on the grounds under the control of the * * * department for the successful operation of the market. However, that before leasing or renting any property for use as a filling station or the sale of similar supplies and accessories, the * * * department shall advertise and receive sealed bids therefor, and shall have the power to reject any and all of such bids, or to accept the highest and best bid made therefor, and the lessee shall erect

such buildings and add such facilities as necessary to carry out the provisions of this article at the expense of the lessee in addition to any other monies paid as lease money to said board for the purpose of operating a service station. Such establishment shall not be tax exempt. No filling station shall be leased for a monthly rental less than One Cent (1¢) per gallon for each gallon of gasoline sold;

(j) Employ an attorney as prescribed in Section 69-1-14.

The * * * department shall also have full power and authority to rent or lease real property, on the grounds under the control of the * * * department, not otherwise used, for a period not to exceed twenty-five (25) years to private concerns for the purpose of processing agricultural products, and providing such facilities found necessary by the * * * department to carry out the purposes of this article, and such facilities, structures, buildings, or other improvements erected or placed thereon by private concerns shall be subject to taxation the same as private property, provided, however, that improvements or facilities erected thereon for processing agricultural products shall not be assessed or taxed until five (5) years after completion of construction. The improvements and facilities erected on said leased property shall be liable for ad valorem taxes and shall be assessed and levied against said leasehold separately from the fee of said lands, and upon failure to pay taxes upon same when due, said facilities and

improvements shall be sold by the tax collector as other property is sold for the nonpayment of taxes, but only such rights of the lessee under said lease contract shall be so sold. Upon the failure to pay taxes promptly when due on said lease, * * * the department shall have the power to cancel and terminate said lease immediately and shall thereupon be authorized to lease or re-lease same to another private individual or concern as herein provided.

The provisions hereof regarding taxation shall not apply to those buildings, structures and facilities erected on said property by the * * * department.

The * * * department shall maintain or operate local market * * *.

SECTION 3. Section 69-7-113, Mississippi Code of 1972, is amended as follows:

69-7-113. The * * * Department of Agriculture and Commerce shall keep, or have kept, records of all leases, rentals, sales, and expense items which shall be audited as other state records are audited and * * * the department shall make, or cause to be made, a report of receipts and disbursements and other information pertaining to the operations of the market to each regular session of the Legislature.

SECTION 4. Section 69-7-115, Mississippi Code of 1972, is amended as follows:

69-7-115. The * * * Department of Agriculture and Commerce is hereby authorized subject to the approval of the building

commission to acquire by purchase, donation, lease or condemnation, and for and in the name of the State of Mississippi, a suitable site or sites, accessible to highways and railroads and air terminal facilities, and to erect and install thereon such structures, facilities, and equipment as may be necessary for the inspection, grading, standardization, classification, refrigeration, processing and marketing of such products (for both food and feed), within the amount appropriated for such purposes by the Legislature and subject to the approval of the building commission.

SECTION 5. Section 69-7-121, Mississippi Code of 1972, is amended as follows:

69-7-121. All funds collected under this article shall be deposited in the State Treasury to the credit of Central Market Fund and shall be used solely for payment of the expenses of operation and maintenance of such market and facilities including the acquisition, leasing, maintenance and operation of local farm market facilities * * *, and for the employment of such production and marketing personnel as will, in the discretion of the * * * Department of Agriculture and Commerce, more effectively promote the operation of such market, on warrants issued according to law pursuant to payment vouchers signed by the * * * Commissioner or his designee.

SECTION 6. Section 69-7-103, Mississippi Code of 1972, which determines members of the board and terms of office, is hereby repealed.

SECTION 7. Section 69-7-105, Mississippi Code of 1972, which outlines the meetings of the board and compensation of members, is hereby repealed.

SECTION 8. Section 69-7-107, Mississippi Code of 1972, establishes the headquarters and organization of the board, is hereby repealed.

SECTION 9. Section 69-7-111, Mississippi Code of 1972, which determines the bond, duties, and compensation of the state market manager, is hereby repealed.

SECTION 10. Section 69-7-117, Mississippi Code of 1972, authorizes the management and disposition of property, is hereby repealed.

SECTION 11. Section 69-7-119, Mississippi Code of 1972, which mandates limitations on powers of the board, is hereby repealed.

SECTION 12. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 352

Description: Home inspector license; require applicants to undergo certain background checks.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/17	(S) Referred To Business and Financial Institutions
6	03/02	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(S) Enrolled Bill Signed
10	03/10	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 073-0060-0011, A 073-0060-0031

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Business and Financial Institutions

Principal Author: Deweese
Additional Authors: Aguirre, Barnett, Bell (21st), Felsher, Ford (54th), Ford (73rd), Haney, Horan, McKnight, McLean, Powell, Scoggin, Shanks, Steverson, Yancey

Title: AN ACT TO CREATE NEW SECTION 73-60-47, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A HOME INSPECTOR TO UNDERGO CERTAIN BACKGROUND CHECKS; TO AMEND SECTIONS 73-60-11 AND 73-60-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Deweese, Aguirre, Barnett, Bell (21st), Felsher, Ford (54th), Ford (73rd), Haney, Horan, McKnight, McLean, Powell, Scoggin, Shanks, Steverson, Yancey

To: Judiciary A

HOUSE BILL NO. 352

AN ACT TO CREATE NEW SECTION 73-60-47, MISSISSIPPI CODE OF 1972, TO REQUIRE APPLICANTS FOR LICENSURE AS A HOME INSPECTOR TO UNDERGO CERTAIN BACKGROUND CHECKS; TO AMEND SECTIONS 73-60-11 AND 73-60-31, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 73-60-47, Mississippi Code of 1972:

73-60-47. (1) (a) To qualify for a Mississippi home inspector license, an applicant must have successfully been cleared for licensure through an investigation that shall consist of a determination that the applicant does not possess a background which calls into question public trust, as set forth below in subsection (2), and verification that the prospective licensee is not guilty of or in violation of any statutory ground for denial of licensure as set forth in Section 73-60-31.

(b) To assist the commission in conducting its licensure investigation, on or after July 1, 2021, all applicants for a Mississippi home inspector license, and all applicants for

renewal of any home inspector license shall undergo a fingerprint-based criminal history records check of the Mississippi central criminal database and the Federal Bureau of Investigation criminal history database. Each applicant shall submit a full set of the applicant's fingerprints in a form and manner prescribed by the commission, which shall be forwarded to the Mississippi Department of Public Safety (department) and the Federal Bureau of Investigation Identification Division for this purpose.

(c) Any and all state or national criminal history records information obtained by the commission that is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use of the commission, its members, officers, investigators, agents and attorneys in evaluating the applicant's eligibility or disqualification for licensure, and shall be exempt from the Mississippi Public Records Act of 1983. Except when introduced into evidence in a hearing before the commission to determine licensure, no such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the commission to any other person or agency.

(d) The commission shall provide to the department the fingerprints of the applicant, any additional information that may be required by the department, and a form signed by the applicant

consenting to the check of the criminal records and to the use of the fingerprints and other identifying information required by the state or national repositories.

(e) The commission shall charge and collect from the applicant, in addition to all other applicable fees and costs, such amount as may be incurred by the commission in requesting and obtaining state and national criminal history records information on the applicant.

(2) (a) The commission must ensure that applicants for home inspector licenses do not possess a background that could call into question public trust. An applicant found by the commission to possess a background which calls into question the applicant's ability to maintain public trust shall not be issued a home inspector license.

(b) The commission shall not issue a home inspector license if:

(i) The applicant has had a home inspector license revoked in any governmental jurisdiction within the five-year period immediately preceding the date of the application;

(ii) The applicant has been convicted of, or pled guilty or nolo contendere to, a felony in a domestic or foreign court involving an act of fraud, dishonesty or a breach of trust, or money laundering at any time preceding the date of the application if, in the discretion of the commission following

notice to the applicant and a hearing, good cause exists to deny or not renew licensure.

(c) Applicants for a home inspector license or renewal of a home inspector license who hold any other license falling under the jurisdiction of the commission requiring a background check shall not be required to pay for more than one (1) background check during a calendar year.

(d) The commission shall adopt rules and regulations necessary to implement, administer and enforce the provisions of this section.

SECTION 2. Section 73-60-11, Mississippi Code of 1972, is amended as follows:

73-60-11. (1) An application for an original license shall be made in writing to the commission on forms as the commission may prescribe and shall be accompanied by the required fee and proof of liability insurance and errors and omissions insurance.

(2) To qualify for a license under this chapter, a person shall:

(a) Have successfully completed high school or its equivalent;

(b) Be at least twenty-one (21) years of age;

(c) Have successfully completed an approved course of study of at least sixty (60) hours that may include field work as prescribed by the commission;

(d) Have passed an examination as prescribed by the commission; * * *

(e) Provide a certificate of insurance for errors and omissions and general liability insurance (in the required amounts) pursuant to Section 73-60-15 * * *; and

(f) Have passed a background investigation pursuant to Section 73-60-47.

(3) The commission must review each application for a license submitted to it and must notify each applicant that the application is either accepted or rejected. The commission must send notification of acceptance or rejections to the applicant at the address provided by the applicant in the application within thirty (30) days of receiving the application. If the application is rejected, the notice sent to the applicant must state the reasons for the rejection.

SECTION 3. Section 73-60-31, Mississippi Code of 1972, is amended as follows:

73-60-31. The commission may refuse to issue or to renew or may revoke or suspend a license or may place on probation, censure, reprimand, or take other disciplinary action with regard to any license issued under this chapter, including the issuance of fines for each violation, for any one (1) or combination of the following causes:

(a) Violations of this chapter or the commission's rules promulgated pursuant hereto;

(b) Violation of terms of license probation;

(c) Conviction of a felony or making a plea of guilty or nolo contendere within five (5) years prior to the date of application;

(d) Operating without adequate insurance coverage required for licensees; * * *

(e) Fraud in the procurement or performance of a contract to conduct a home inspection * * *; and

(f) Failure to submit to or pass a background investigation pursuant to Section 73-60-47.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 354

Description: Municipal judges; authorize to order a defendant to remedy real property ordinance violations within a reasonable time period.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	02/02	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/17	(S) Referred To Judiciary, Division A
6	02/25	(S) Title Suff Do Pass
7	03/08	(S) Passed {Vote}
8	03/09	(S) Returned For Enrolling
9	03/10	(S) Enrolled Bill Signed
10	03/10	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 021-0023-0007

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A

Principal Author: McGee
Additional Authors: Summers, Reynolds

Title: AN ACT TO AMEND SECTION 21-23-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MUNICIPAL JUDGE SHALL HAVE THE POWER TO ORDER A DEFENDANT TO REMEDY A REAL PROPERTY MUNICIPAL ORDINANCE VIOLATION WITHIN A REASONABLE TIME PERIOD PRESCRIBED BY THE JUDGE; TO PROVIDE THAT A MUNICIPAL JUDGE MAY AUTHORIZE THE MUNICIPALITY, UPON ITS REQUEST, TO REMEDY THE VIOLATION THROUGH THE USE OF MUNICIPAL EMPLOYEES OR CONTRACTORS IF SUCH DEFENDANT FAILS TO REMEDY THE VIOLATION; TO PROVIDE THAT IF A MUNICIPALITY REMEDIES A VIOLATION DUE TO A DEFENDANT'S

FAILURE TO DO SO, THE MUNICIPALITY MAY PETITION THE COURT TO ASSESS CERTAIN CLEANUP COSTS TO THE DEFENDANT AND AFTER A HEARING CONCERNING THE ASSESSMENT OF SUCH COSTS, THE COURT MAY ASSESS THE COSTS TO THE DEFENDANT AS A JUDGEMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives McGee, Summers, Reynolds To: Judiciary A

HOUSE BILL NO. 354

AN ACT TO AMEND SECTION 21-23-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A MUNICIPAL JUDGE SHALL HAVE THE POWER TO ORDER A DEFENDANT TO REMEDY A REAL PROPERTY MUNICIPAL ORDINANCE VIOLATION WITHIN A REASONABLE TIME PERIOD PRESCRIBED BY THE JUDGE; TO PROVIDE THAT A MUNICIPAL JUDGE MAY AUTHORIZE THE MUNICIPALITY, UPON ITS REQUEST, TO REMEDY THE VIOLATION THROUGH THE USE OF MUNICIPAL EMPLOYEES OR CONTRACTORS IF SUCH DEFENDANT FAILS TO REMEDY THE VIOLATION; TO PROVIDE THAT IF A MUNICIPALITY REMEDIES A VIOLATION DUE TO A DEFENDANT'S FAILURE TO DO SO, THE MUNICIPALITY MAY PETITION THE COURT TO ASSESS CERTAIN CLEANUP COSTS TO THE DEFENDANT AND AFTER A HEARING CONCERNING THE ASSESSMENT OF SUCH COSTS, THE COURT MAY ASSESS THE COSTS TO THE DEFENDANT AS A JUDGEMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 21-23-7, Mississippi Code of 1972, is amended as follows:

21-23-7. (1) The municipal judge shall hold court in a public building designated by the governing authorities of the municipality, or may hold court in an adult detention center as provided under this subsection, and may hold court every day except Sundays and legal holidays if the business of the municipality so requires; provided, however, the municipal judge may hold court outside the boundaries of the municipality but not

more than within a sixty-mile radius of the municipality to handle preliminary matters and criminal matters such as initial appearances and felony preliminary hearings. The municipal judge may hold court outside the boundaries of the municipality but not more than within a one-mile radius of the municipality for any purpose; however, a municipal judge may hold court outside the boundaries of the municipality more than within a one-mile radius of the municipality when accepting a plea of a defendant at an adult detention center within the county. The municipal judge shall have the jurisdiction to hear and determine, without a jury and without a record of the testimony, all cases charging violations of the municipal ordinances and state misdemeanor laws made offenses against the municipality and to punish offenders therefor as may be prescribed by law. Except as otherwise provided by law, criminal proceedings shall be brought by sworn complaint filed in the municipal court. Such complaint shall state the essential elements of the offense charged and the statute or ordinance relied upon. Such complaint shall not be required to conclude with a general averment that the offense is against the peace and dignity of the state or in violation of the ordinances of the municipality. He may sit as a committing court in all felonies committed within the municipality, and he shall have the power to bind over the accused to the grand jury or to appear before the proper court having jurisdiction to try the same, and to set the amount of bail or refuse bail and commit the

accused to jail in cases not bailable. The municipal judge is a conservator of the peace within his municipality. He may conduct preliminary hearings in all violations of the criminal laws of this state occurring within the municipality, and any person arrested for a violation of law within the municipality may be brought before him for initial appearance. The municipal court shall have jurisdiction of any case remanded to it by a circuit court grand jury. The municipal court shall have civil jurisdiction over actions filed pursuant to and as provided in Title 93, Chapter 21, Mississippi Code of 1972, the Protection from Domestic Abuse Act.

(2) In the discretion of the court, where the objects of justice would be more likely met, as an alternative to imposition or payment of fine and/or incarceration, the municipal judge shall have the power to sentence convicted offenders to work on a public service project where the court has established such a program of public service by written guidelines filed with the clerk for public record. Such programs shall provide for reasonable supervision of the offender and the work shall be commensurate with the fine and/or incarceration that would have ordinarily been imposed. Such program of public service may be utilized in the implementation of the provisions of Section 99-19-20, and public service work thereunder may be supervised by persons other than the sheriff.

(3) The municipal judge may solemnize marriages, take oaths, affidavits and acknowledgments, and issue orders, subpoenas, summonses, citations, warrants for search and arrest upon a finding of probable cause, and other such process under seal of the court to any county or municipality, in a criminal case, to be executed by the lawful authority of the county or the municipality of the respondent, and enforce obedience thereto. The absence of a seal shall not invalidate the process.

(4) When a person shall be charged with an offense in municipal court punishable by confinement, the municipal judge, being satisfied that such person is an indigent person and is unable to employ counsel, may, in the discretion of the court, appoint counsel from the membership of The Mississippi Bar residing in his county who shall represent him. Compensation for appointed counsel in criminal cases shall be approved and allowed by the municipal judge and shall be paid by the municipality. The maximum compensation shall not exceed Two Hundred Dollars ($200.00) for any one (1) case. The governing authorities of a municipality may, in their discretion, appoint a public defender(s) who must be a licensed attorney and who shall receive a salary to be fixed by the governing authorities.

(5) The municipal judge of any municipality is hereby authorized to suspend the sentence and to suspend the execution of the sentence, or any part thereof, on such terms as may be imposed by the municipal judge. However, the suspension of imposition or

execution of a sentence hereunder may not be revoked after a period of two (2) years. The municipal judge shall have the power to establish and operate a probation program, dispute resolution program and other practices or procedures appropriate to the judiciary and designed to aid in the administration of justice. Any such program shall be established by the court with written policies and procedures filed with the clerk of the court for public record. Subsequent to original sentencing, the municipal judge, in misdemeanor cases, is hereby authorized to suspend sentence and to suspend the execution of a sentence, or any part thereof, on such terms as may be imposed by the municipal judge, if (a) the judge or his or her predecessor was authorized to order such suspension when the sentence was originally imposed; and (b) such conviction (i) has not been appealed; or (ii) has been appealed and the appeal has been voluntarily dismissed.

(6) Upon prior notice to the municipal prosecuting attorney and upon a showing in open court of rehabilitation, good conduct for a period of two (2) years since the last conviction in any court and that the best interest of society would be served, the court may, in its discretion, order the record of conviction of a person of any or all misdemeanors in that court expunged, and upon so doing the said person thereafter legally stands as though he had never been convicted of the said misdemeanor(s) and may lawfully so respond to any query of prior convictions. This order of expunction does not apply to the confidential records of law

enforcement agencies and has no effect on the driving record of a person maintained under Title 63, Mississippi Code of 1972, or any other provision of said Title 63.

(7) Notwithstanding the provisions of subsection (6) of this section, a person who was convicted in municipal court of a misdemeanor before reaching his twenty-third birthday, excluding conviction for a traffic violation, and who is a first offender, may utilize the provisions of Section 99-19-71, to expunge such misdemeanor conviction.

(8) In the discretion of the court, a plea of nolo contendere may be entered to any charge in municipal court. Upon the entry of a plea of nolo contendere the court shall convict the defendant of the offense charged and shall proceed to sentence the defendant according to law. The judgment of the court shall reflect that the conviction was on a plea of nolo contendere. An appeal may be made from a conviction on a plea of nolo contendere as in other cases.

(9) Upon execution of a sworn complaint charging a misdemeanor, the municipal court may, in its discretion and in lieu of an arrest warrant, issue a citation requiring the appearance of the defendant to answer the charge made against him. On default of appearance, an arrest warrant may be issued for the defendant. The clerk of the court or deputy clerk may issue such citations.

(10) The municipal court shall have the power to make rules for the administration of the court's business, which rules, if any, shall be in writing filed with the clerk of the court and shall include the enactment of rules related to the court's authority to issue domestic abuse protection orders pursuant to Section 93-21-1 et seq.

(11) The municipal court shall have the power to impose punishment of a fine of not more than One Thousand Dollars ($1,000.00) or six (6) months imprisonment, or both, for contempt of court. The municipal court may have the power to impose reasonable costs of court, not in excess of the following:

Dismissal of any affidavit, complaint or charge in municipal court.....$ 50.00

Suspension of a minor's driver's license in lieu of conviction.....$ 50.00

Service of scire facias or return "not found".....$ 20.00

Causing search warrant to issue or causing prosecution without reasonable cause or refusing to cooperate after initiating action.....$ 100.00

Certified copy of the court record.....$ 5.00

Service of arrest warrant for failure to answer citation or traffic summons.....$ 25.00

Jail cost per day - actual jail cost paid by the municipality but not to exceed..... $ 35.00

Service of court documents related to the filing

of a petition or issuance of a protection from domestic abuse order under Title 93, Chapter 21, Mississippi Code of 1972 .....$ 25.00

Any other item of court cost.....$ 50.00

No filing fee or such cost shall be imposed for the bringing of an action in municipal court.

(12) A municipal court judge shall not dismiss a criminal case but may transfer the case to the justice court of the county if the municipal court judge is prohibited from presiding over the case by the Canons of Judicial Conduct and provided that venue and jurisdiction are proper in the justice court. Upon transfer of any such case, the municipal court judge shall give the municipal court clerk a written order to transmit the affidavit or complaint and all other records and evidence in the court's possession to the justice court by certified mail or to instruct the arresting officer to deliver such documents and records to the justice court. There shall be no court costs charged for the transfer of the case to the justice court.

(13) A municipal court judge shall expunge the record of any case in which an arrest was made, the person arrested was released and the case was dismissed or the charges were dropped, there was no disposition of such case or the person was found not guilty at trial.

(14) For violations of municipal ordinances related to real property, the municipal judge shall have the power to order a

defendant to remedy violations within a reasonable time period as set by the judge, and at the discretion of the judge, the judge may simultaneously authorize the municipality, at its request, the option to remedy the violation itself, through the use of its own employees or its contractors, without further violation itself, through the use of its own employees or its contractors, without further notice should the defendant fail to fully do so within the time period set by the judge. Subsequent to the municipality remedying the violation, the municipality may petition the court to assess documented cleanup costs to the defendant, and, if, following a hearing on such petition, the judge determines (a) the violations were not remedied by the defendant within the time required by the court, (b) that the municipality remedied the violation itself after such time period expired and (c) that the costs incurred by the municipality were reasonable, the court may assess the costs to the defendant as a judgement, which may be enrolled in the office of the circuit clerk.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 357

Description: Bonding requirement for county purchase clerk; increase.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Accountability, Efficiency, Transparency
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/16	(S) Referred To County Affairs
6	03/01	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 031-0007-0124

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: County Affairs

Principal Author: Boyd

Title: AN ACT TO AMEND SECTION 31-7-124, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $75,000.00 TO $100,000.00 THE AMOUNT OF BOND THAT IS REQUIRED FOR COUNTY PURCHASE CLERKS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Boyd To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 357

AN ACT TO AMEND SECTION 31-7-124, MISSISSIPPI CODE OF 1972, TO INCREASE FROM $75,000.00 TO $100,000.00 THE AMOUNT OF BOND THAT IS REQUIRED FOR COUNTY PURCHASE CLERKS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 31-7-124, Mississippi Code of 1972, is amended as follows:

31-7-124. The * * * receiving clerk and inventory control clerk shall give bond in a penalty equal to Seventy-five Thousand Dollars ($75,000.00) and the purchase clerk shall give bond in a penalty equal to One Hundred Thousand Dollars ($100,000.00) with sufficient surety, to be payable, conditioned and approved as provided by law. All assistant purchasing, receiving and inventory control clerks shall be bonded in a penalty not less than Fifty Thousand Dollars ($50,000.00). Such bond shall be in addition to any other bond required by law, with sufficient surety, to be payable, conditioned and approved as provided by law. The premiums of such bonds shall be paid from any funds

available to the board of supervisors for the payment of such premiums.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 429

Description: Contracts; authorize persons eighteen years of age or older to enter into for the purpose of investing in mutual funds.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	02/02	(H) Title Suff Do Pass As Amended
3	02/10	(H) Read the Third Time
4	02/11	(H) Amended
5	02/11	(H) Passed As Amended {Vote}
6	02/12	(H) Transmitted To Senate
7	02/17	(S) Referred To Business and Financial Institutions
8	03/02	(S) Title Suff Do Pass
9	03/04	(S) Passed {Vote}
10	03/08	(S) Motion to Reconsider Entered
11	03/11	(S) Motion to Reconsider Tabled
12	03/11	(S) Returned For Enrolling
13	03/12	(H) Enrolled Bill Signed
14	03/12	(S) Enrolled Bill Signed
15	03/17	Approved by Governor

Amendments:

[H] Committee Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 093-0019-0013, BF 001-0003-0027, BF 001-0003-0041

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Business and Financial Institutions

Principal Author: Bennett

Title: AN ACT TO AMEND SECTION 93-19-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PERSONS EIGHTEEN YEARS OF AGE OR OLDER TO ENTER

INTO BINDING CONTRACTUAL RELATIONSHIPS FOR THE PURPOSE OF INVESTING IN MUTUAL FUNDS; TO BRING FORWARD SECTION 1-3-27, MISSISSIPPI CODE OF 1972, WHICH DEFINES THE TERM "MINOR", FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 1-3-41, MISSISSIPPI CODE OF 1972, WHICH DEFINES THE TERM "PERSONAL PROPERTY", FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bennett To: Judiciary A

HOUSE BILL NO. 429
(As Passed the House)

AN ACT TO AMEND SECTION 93-19-13, MISSISSIPPI CODE OF 1972, TO AUTHORIZE PERSONS EIGHTEEN YEARS OF AGE OR OLDER TO ENTER INTO BINDING CONTRACTUAL RELATIONSHIPS FOR THE PURPOSE OF INVESTING IN MUTUAL FUNDS; TO BRING FORWARD SECTION 1-3-27, MISSISSIPPI CODE OF 1972, WHICH DEFINES THE TERM "MINOR", FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO BRING FORWARD SECTION 1-3-41, MISSISSIPPI CODE OF 1972, WHICH DEFINES THE TERM "PERSONAL PROPERTY", FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-19-13, Mississippi Code of 1972, is amended as follows:

93-19-13. All persons eighteen (18) years of age or older, if not otherwise disqualified, or prohibited by law, shall have the capacity to enter into binding contractual relationships affecting personal property. In addition, all persons eighteen (18) years of age or older shall have the capacity to enter into binding contractual relationships for the purpose of investing in mutual funds, stocks, bonds and any other publicly traded equities. Nothing in this section shall be construed to affect any contracts entered into prior to July 1, 1976.

In any legal action founded on a contract entered into by a person eighteen (18) years of age or older, the said person may sue in his own name as an adult and be sued in his own name as an adult and be served with process as an adult.

SECTION 2. Section 1-3-27, Mississippi Code of 1972, is brought forward as follows:

1-3-27. The term "minor," when used in any statute, shall include any person, male or female, under twenty-one years of age.

SECTION 3. Section 1-3-41, Mississippi Code of 1972, is brought forward as follows:

1-3-41. The term "personal property," when used in any statute, means all tangible and intangible personal property and shall include cash, goods, deposit accounts, chattels, effects, evidences of rights of action, and all written instruments, including promissory notes, by which any pecuniary obligation, or any right, title, or interest in any real or personal estate, shall be created, acknowledged, transferred, incurred, defeated, discharged, or diminished.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 487

Description: County and public libraries; repeal certain provisions related to.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Education
2	01/28	(H) Title Suff Do Pass
3	02/10	(H) Passed {Vote}
4	02/11	(H) Transmitted To Senate
5	02/16	(S) Referred To Education
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Education
Senate Committee: Education

Principal Author: Bennett

Title: AN ACT TO REPEAL SECTIONS 37-55-1, 37-55-3 AND 37-55-5, MISSISSIPPI CODE OF 1972, WHICH RESPECTIVELY ESTABLISH COUNTY LIBRARY COMMISSIONS AND THE REQUIRED ANNUAL LIBRARY REPORT TO BE INCLUDED WITH THE ANNUAL COUNTY SCHOOL REPORT, PROVIDE FOR GRANTS OF AID TO SCHOOL LIBRARIES FROM SCHOOL FUNDS AND AUTHORIZE COUNTY BOARDS OF SUPERVISORS TO APPROPRIATE AMOUNTS NOT TO EXCEED $300.00 PER YEAR TO THE SUPPORT OF PUBLIC LIBRARIES; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 487

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Bennett To: Education

HOUSE BILL NO. 487

AN ACT TO REPEAL SECTIONS 37-55-1, 37-55-3 AND 37-55-5, MISSISSIPPI CODE OF 1972, WHICH RESPECTIVELY ESTABLISH COUNTY LIBRARY COMMISSIONS AND THE REQUIRED ANNUAL LIBRARY REPORT TO BE INCLUDED WITH THE ANNUAL COUNTY SCHOOL REPORT, PROVIDE FOR GRANTS OF AID TO SCHOOL LIBRARIES FROM SCHOOL FUNDS AND AUTHORIZE COUNTY BOARDS OF SUPERVISORS TO APPROPRIATE AMOUNTS NOT TO EXCEED $300.00 PER YEAR TO THE SUPPORT OF PUBLIC LIBRARIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 37-55-1, 37-55-3 and 37-55-5, which respectively establish county library commissions and the required annual library report to be included with the annual county school report, provide for grants of aid to school libraries from school funds and authorize county boards of supervisors to appropriate amounts not to exceed Three Hundred Dollars ($300.00) per year to the support of public libraries, are repealed.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 499

Description: Qualified equity investment tax credits; extend authority of Mississippi Development Authority to allocate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 057-0105-0001

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JANUARY 1, 2024, THE DATE AFTER WHICH THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT ALLOCATE INCOME TAX AND INSURANCE PREMIUM TAX CREDITS FOR TAXPAYERS HOLDING CERTAIN QUALIFIED EQUITY INVESTMENTS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 499

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 499

AN ACT TO AMEND SECTION 57-105-1, MISSISSIPPI CODE OF 1972, TO EXTEND UNTIL JANUARY 1, 2024, THE DATE AFTER WHICH THE MISSISSIPPI DEVELOPMENT AUTHORITY SHALL NOT ALLOCATE INCOME TAX AND INSURANCE PREMIUM TAX CREDITS FOR TAXPAYERS HOLDING CERTAIN QUALIFIED EQUITY INVESTMENTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-105-1, Mississippi Code of 1972, is amended as follows:

57-105-1. (1) As used in this section:

(a) "Adjusted purchase price" means the investment in the qualified community development entity for the qualified equity investment, substantially all of the proceeds of which are used to make qualified low-income community investments in Mississippi.

For the purposes of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment will be considered held by a qualified community development entity even if the investment has been sold or repaid; provided that the qualified community

development entity reinvests an amount equal to the capital returned to or recovered by the qualified community development entity from the original investment, exclusive of any profits realized, in another qualified low-income community investment in Mississippi, including any federal Indian reservation located within the geographical boundary of Mississippi within twelve (12) months of the receipt of such capital. A qualified community development entity will not be required to reinvest capital returned from the qualified low-income community investments after the sixth anniversary of the issuance of the qualified equity investment, the proceeds of which were used to make the qualified low-income community investment, and the qualified low-income community investment will be considered held by the qualified community development entity through the seventh anniversary of the qualified equity investment's issuance.

(b) "Applicable percentage" means:

(i) For any equity investment issued prior to July 1, 2008, four percent (4%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Section 27-7-5 and one and one-third percent (1-1/3%) for each of the second through seventh credit allowance dates for purposes of the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(ii) For any equity investment issued from and after July 1, 2008, eight percent (8%) for each of the first through third credit allowance dates for purposes of the taxes

imposed by Section 27-7-5 or the taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123.

(c) "Credit allowance date" means, with respect to any qualified equity investment:

(i) The later of:

1. The date upon which the qualified equity investment is initially made; or

2. The date upon which the Mississippi Development Authority issues a certificate under subsection (4) of this section; and

(ii) 1. For equity investments issued prior to July 1, 2008, each of the subsequent six (6) anniversary dates of the date upon which the investment is initially made; or

2. For equity investments issued from and after July 1, 2008, each of the subsequent two (2) anniversary dates of the date determined as provided for in subparagraph (i) of this paragraph.

(d) "Qualified community development entity" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended, if the entity has entered into an Allocation Agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury with respect to credits authorized by Section 45D of the Internal Revenue Code of 1986, as amended.

(e) "Qualified active low-income community business" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended.

(f) "Qualified equity investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended. The investment does not have to be designated as a qualified equity investment by the Community Development Financial Institutions Fund of the United States Treasury to be considered a qualified equity investment under this section but otherwise must meet the definition under the Internal Revenue Code. In addition to meeting the definition in Section 45D of the Internal Revenue Code such investment must also:

(i) Have been acquired after January 1, 2007, at its original issuance solely in exchange for cash; and

(ii) Have been allocated by the Mississippi Development Authority.

For the purposes of this section, such investment shall be deemed a qualified equity investment on the later of the date such qualified equity investment is made or the date on which the Mississippi Development Authority issues a certificate under subsection (4) of this section allocating credits based on such investment.

(g) "Qualified low-income community investment" shall have the meaning ascribed to such term in Section 45D of the Internal Revenue Code of 1986, as amended; provided, however, that

the maximum amount of qualified low-income community investments issued for a single qualified active low-income community business, on an aggregate basis with all of its affiliates, that may be included for purposes of allocating any credits under this section shall not exceed Ten Million Dollars ($10,000,000.00), in the aggregate, whether issued by one (1) or several qualified community development entities.

(2) A taxpayer that holds a qualified equity investment on the credit allowance date shall be entitled to a credit applicable against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 during the taxable year that includes the credit allowance date. The amount of the credit shall be equal to the applicable percentage of the adjusted purchase price paid to the qualified community development entity for the qualified equity investment. The amount of the credit that may be utilized in any one (1) tax year shall be limited to an amount not greater than the total tax liability of the taxpayer for the taxes imposed by the above-referenced sections. The credit shall not be refundable or transferable. Any unused portion of the credit may be carried forward for seven (7) taxable years beyond the credit allowance date on which the credit was earned. The maximum aggregate amount of qualified equity investments that may be allocated by the Mississippi Development Authority may not exceed an amount that would result in taxpayers claiming in any one (1) state fiscal year credits in excess of Fifteen Million Dollars

($15,000,000.00), exclusive of credits that might be carried forward from previous taxable years; however, a maximum of one-third (1/3) of this amount may be allocated as credits for taxes imposed by Sections 27-15-103, 27-15-109 and 27-15-123. Any taxpayer claiming a credit under this section against the taxes imposed by Sections 27-7-5, 27-15-103, 27-15-109 and 27-15-123 shall not be required to pay any additional tax under Section 27-15-123 as a result of claiming such credit. The Mississippi Development Authority shall allocate credits within this limit as provided for in subsection (4) of this section.

(3) Tax credits authorized by this section that are earned by a partnership, limited liability company, S corporation or other similar pass-through entity, shall be allocated among all partners, members or shareholders, respectively, either in proportion to their ownership interest in such entity or as the partners, members or shareholders mutually agree as provided in an executed document. Such allocation shall be made each taxable year of such pass-through entity which contains a credit allowance date.

(4) The qualified community development entity shall apply for credits with the Mississippi Development Authority on forms prescribed by the Mississippi Development Authority. The qualified community development entity must pay an application fee of One Thousand Dollars ($1,000.00) to the Mississippi Development Authority at the time the application is submitted. In the

application the qualified community development entity shall certify to the Mississippi Development Authority the dollar amount of the qualified equity investments made or to be made in this state, including in any federal Indian reservation located within the state's geographical boundary, during the first twelve-month period following the initial credit allowance date. The Mississippi Development Authority shall allocate credits based on the dollar amount of qualified equity investments as certified in the application. Once the Mississippi Development Authority has allocated credits to a qualified community development entity, if the corresponding qualified equity investment has not been issued as of the date of such allocation, then the corresponding qualified equity investment must be issued not later than one hundred twenty (120) days from the date of such allocation. If the qualified equity investment is not issued within such time period, the allocation shall be cancelled and returned to the Mississippi Development Authority for reallocation. Upon final documentation of the qualified low-income community investments, if the actual dollar amount of the investments is lower than the amount estimated, the Mississippi Development Authority shall adjust the tax credit allowed under this section. The Department of Revenue may recapture all of the credit allowed under this section if:

(a) Any amount of federal tax credits available with respect to a qualified equity investment that is eligible for a

tax credit under this section is recaptured under Section 45D of the Internal Revenue Code of 1986, as amended; or

(b) The qualified community development entity redeems or makes any principal repayment with respect to a qualified equity investment prior to the seventh anniversary of the issuance of the qualified equity investment; or

(c) The qualified community development entity fails to maintain at least eighty-five percent (85%) of the proceeds of the qualified equity investment in qualified low-income community investments in Mississippi at any time prior to the seventh anniversary of the issuance of the qualified equity investment.

Any credits that are subject to recapture under this subsection shall be recaptured from the taxpayer that actually claimed the credit.

The Mississippi Development Authority shall not allocate any credits under this section after July 1, * * * 2024.

(5) Each qualified community development entity that receives qualified equity investments to make qualified low-income community investments in Mississippi must annually report to the Mississippi Development Authority the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment.

(6) The Mississippi Development Authority shall file an annual report on all qualified low-income community investments with the Governor, the Clerk of the House of Representatives, the Secretary of the Senate and the Secretary of State describing the North American Industry Classification System Code, the county, the dollars invested, the number of jobs assisted and the number of jobs assisted with wages over one hundred percent (100%) of the federal poverty level for a family of four (4) of each qualified low-income community investment. The annual report will be posted on the Mississippi Development Authority's Internet website.

(7) (a) The purpose of this subsection is to authorize the creation and establishment of public benefit corporations for financing arrangements regarding public property and facilities.

(b) As used in this subsection:

(i) "New Markets Tax Credit transaction" means any financing transaction which utilizes either this section or Section 45D of the Internal Revenue Code of 1986, as amended.

(ii) "Public benefit corporation" means a nonprofit corporation formed or designated by a public entity to carry out the purposes of this subsection.

(iii) "Public entity or public entities" includes utility districts, regional solid waste authorities, regional utility authorities, community hospitals, regional airport authorities, municipal airport authorities, community and junior colleges, educational building corporations established by or on

behalf of the state institutions of higher learning, school districts, planning and development districts, county economic development districts, urban renewal agencies, any other regional or local economic development authority, agency or governmental entity, and any other regional or local industrial development authority, agency or governmental entity.

(iv) "Public property or facilities" means any property or facilities owned or leased by a public entity or public benefit corporation.

(c) Notwithstanding any other provision of law to the contrary, public entities are authorized pursuant to this subsection to create one or more public benefit corporations or designate an existing corporation as a public benefit corporation for the purpose of entering into financing agreements and engaging in New Markets Tax Credit transactions, which shall include, without limitation, arrangements to plan, acquire, renovate, construct, lease, sublease, manage, operate and/or improve new or existing public property or facilities located within the boundaries or service area of the public entity. Any financing arrangement authorized under this subsection shall further any purpose of the public entity and may include a term of up to fifty (50) years.

(d) Notwithstanding any other provision of law to the contrary and in order to facilitate the acquisition, renovation, construction, leasing, subleasing, management, operating and/or

improvement of new or existing public property or facilities to further any purpose of a public entity, public entities are authorized to enter into financing arrangements in order to transfer public property or facilities to and/or from public benefit corporations, including, without limitation, sales, sale-leasebacks, leases and lease-leasebacks, provided such transfer is related to any New Markets Tax Credit transaction furthering any purpose of the public entity. Any such transfer under this paragraph (d) and the public property or facilities transferred in connection therewith shall be exempted from any limitation or requirements with respect to leasing, acquiring, and/or constructing public property or facilities.

(e) With respect to a New Markets Tax Credit transaction, public entities and public benefit corporations are authorized to enter into financing arrangements with any governmental, nonprofit or for-profit entity in order to leverage funds not otherwise available to public entities for the acquisition, construction and/or renovation of properties transferred to such public benefit corporations. The use of any funds loaned by or contributed by a public benefit corporation or borrowed by or otherwise made available to a public benefit corporation in such financing arrangement shall be dedicated solely to (i) the development of new properties or facilities and/or the renovation of existing properties or facilities or operation of properties or facilities, and/or (ii) the payment of

costs and expenditures related to any such financing arrangements, including, but not limited to, funding any reserves required in connection therewith, the repayment of any indebtedness incurred in connection therewith, and the payment of fees and expenses incurred in connection with the closing, administration, accounting and/or compliance with respect to the New Markets Tax Credit transaction.

(f) A public benefit corporation created pursuant to this subsection shall not be a political subdivision of the state but shall be a nonprofit corporation organized and governed under the provisions of the laws of this state and shall be a special purpose corporation established to facilitate New Markets Tax Credit transactions consistent with the requirements of this section.

(g) Neither this subsection nor anything herein contained is or shall be construed as a restriction or limitation upon any powers which the public entity or public benefit corporation might otherwise have under any laws of this state, and this subsection is cumulative to any such powers. This subsection does and shall be construed to provide a complete additional and alternative method for the doing of the things authorized thereby and shall be regarded as supplemental and additional to powers conferred by other laws.

(8) The Mississippi Development Authority shall promulgate rules and regulations to implement the provisions of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 508

Description: Department of Revenue; allow retiring law enforcement officer of to retain issued sidearm.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Two/Thirds
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Returned For Enrolling
9	03/09	(H) Enrolled Bill Signed
10	03/09	(S) Enrolled Bill Signed
11	03/16	Approved by Governor

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar
Additional Authors: Williamson, Foster, Stamps

Title: AN ACT TO CREATE NEW SECTION 67-1-32, MISSISSIPPI CODE OF 1972, TO ALLOW RETIRING LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF REVENUE TO RETAIN SIDEARM ISSUED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Ways and Means

HOUSE BILL NO. 508

AN ACT TO CREATE NEW SECTION 67-1-32, MISSISSIPPI CODE OF 1972, TO ALLOW RETIRING LAW ENFORCEMENT OFFICERS OF THE DEPARTMENT OF REVENUE TO RETAIN SIDEARM ISSUED BY THE DEPARTMENT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 67-1-32, Mississippi Code of 1972:

67-1-32. Each person employed as a sworn law enforcement officer by the department who retires for superannuation or for reason of disability under the Public Employees' Retirement System shall be allowed to retain as personal property one (1) sidearm which was issued to such law enforcement officer by the department.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 509

Description: Unemployment compensation; allow withholding of state income tax.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/03	(H) Motion to Reconsider Entered (Hines, Lamar, Steverson)
5	02/04	(H) Motion to Reconsider Tabled
6	02/04	(H) Transmitted To Senate
7	02/16	(S) Referred To Finance
8	02/25	(S) Title Suff Do Pass
9	03/08	(S) Passed {Vote}
10	03/09	(S) Returned For Enrolling
11	03/10	(S) Enrolled Bill Signed
12	03/10	(H) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 071-0005-0506

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 71-5-506, MISSISSIPPI CODE OF 1972, TO ALLOW WITHHOLDING FROM UNEMPLOYMENT COMPENSATION FOR STATE INCOME TAXES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 509

AN ACT TO AMEND SECTION 71-5-506, MISSISSIPPI CODE OF 1972, TO ALLOW WITHHOLDING FROM UNEMPLOYMENT COMPENSATION FOR STATE INCOME TAXES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-5-506, Mississippi Code of 1972, is amended as follows:

71-5-506. (1) An individual filing a new claim for unemployment compensation shall, at the time of filing such claim, be advised that:

(a) Unemployment compensation is subject to federal, state and local income tax;

(b) Requirements exist pertaining to estimated tax payments;

(c) The individual may elect to have federal and state income tax deducted and withheld from the individual's payment of unemployment compensation at the amount specified in the Federal Internal Revenue Code and Chapter 7, Title 27, Mississippi Code of 1972;

(d) The individual shall be permitted to change a previously elected withholding status.

(2) Amounts deducted and withheld from unemployment compensation shall remain in the unemployment fund until transferred to the federal or state taxing authority as a payment of income tax.

(3) The commission shall follow all procedures specified by the United States Department of Labor * * *, the Federal Internal Revenue Service and the Mississippi Department of Revenue pertaining to the deducting and withholding of income tax.

(4) Amounts shall be deducted and withheld in accordance with the priorities established in regulations developed by the commission.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 510

Description: Motor vehicle certificate of title; limit period for which Department of Revenue must retain.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Returned For Enrolling
9	03/09	(H) Enrolled Bill Signed
10	03/09	(S) Enrolled Bill Signed
11	03/16	Approved by Governor

Code Section: A 063-0021-0017

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 63-21-17, MISSISSIPPI CODE OF 1972, TO LIMIT THE PERIOD FOR WHICH THE MISSISSIPPI DEPARTMENT OF REVENUE IS REQUIRED TO RETAIN MOTOR VEHICLE CERTIFICATES OF TITLE TO FIFTEEN YEARS FROM THE DATE OF ISSUANCE; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Ways and Means

HOUSE BILL NO. 510

AN ACT TO AMEND SECTION 63-21-17, MISSISSIPPI CODE OF 1972, TO LIMIT THE PERIOD FOR WHICH THE MISSISSIPPI DEPARTMENT OF REVENUE IS REQUIRED TO RETAIN MOTOR VEHICLE CERTIFICATES OF TITLE TO FIFTEEN YEARS FROM THE DATE OF ISSUANCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-21-17, Mississippi Code of 1972, is amended as follows:

63-21-17. (1) The Department of Revenue shall examine each application received and, when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title, shall issue a certificate of title of the vehicle, manufactured home or mobile home on the form prescribed by the department.

(2) The Department of Revenue shall maintain a record of all certificates of title issued <u>for fifteen (15) years from the date of issuance,</u> pursuant to the provisions of this chapter:

(a) Under a distinctive title number assigned to the vehicle, manufactured home or mobile home;

(b) Under the vehicle identification number;

(c) Under the name of the owner; and

(d) In the discretion of the Department of Revenue, by any other method the department determines.

(3) The Department of Revenue shall maintain a record of each affidavit of affixation filed in accordance with subsections (3), (4) and (5) of Section 63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.

(4) The Department of Revenue shall maintain a record of each manufacturer's certificate of origin submitted for the purpose of effectuating the retirement of title as provided in Section 63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the manufacturer's certificate of origin was submitted, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section

63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.

(5) The Department of Revenue shall maintain a record of each certificate of title accepted for surrender as provided in subsection (5) of Section 63-21-30. The record shall state the name and mailing address of each owner of the manufactured home, the date the certificate of title was accepted for surrender, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of affixation under subsections (1) and (2) of Section 63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.

(6) The Department of Revenue shall maintain a record of each affidavit of severance filed in accordance with subsection (6) of Section 63-21-30. The record shall state the name and mailing address of each owner of the related manufactured home, the county of recordation, the date of recordation, and the book and page number of each book of records in which there has been recorded an affidavit of severance under subsection (6) of Section

63-21-30, the name of the manufacturer, the make, the model name, the model year, the dimensions, and the manufacturer's serial number or VIN of the manufactured home or mobile home, to the extent that such data exists, and any other information the Department of Revenue prescribes.

(7) Records of affidavits of affixation, submitted manufacturer's certificates of origin, surrendered certificates of title, and affidavits of severance shall be maintained permanently and be subject to public records request. The records of affidavits of affixation, submitted manufacturer's certificates of origin, and surrendered certificates of title shall include a statement that the manufactured home is real property as provided in subsections (13) and (14) of Section 63-21-30.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 516

Description: Department of Revenue; allow department appraisers to receive certain pay increases upon completing certain training.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 027-0003-0051

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 27-3-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SAME PAY INCREASES FOR DEPARTMENT OF REVENUE APPRAISERS UPON ATTAINMENT OF CERTAIN STATE CERTIFICATIONS AS AUTHORIZED FOR COUNTY TAX ASSESSORS AND THEIR DEPUTIES AND ASSISTANTS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 516

AN ACT TO AMEND SECTION 27-3-51, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SAME PAY INCREASES FOR DEPARTMENT OF REVENUE APPRAISERS UPON ATTAINMENT OF CERTAIN STATE CERTIFICATIONS AS AUTHORIZED FOR COUNTY TAX ASSESSORS AND THEIR DEPUTIES AND ASSISTANTS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-3-51, Mississippi Code of 1972, is amended as follows:

27-3-51. (1) In order that the Commissioner of Revenue may be familiar with the character and values of the several classes of property within each of the several counties of the state and of the economic conditions therein, and throughout the state, the Commissioner of Revenue, or his designees, shall annually visit each of the several counties of the state. In the course of his visitation within each county, the Commissioner of Revenue, or his designees, shall perform the duties enumerated in Sections 27-3-39 and 27-3-53, and he shall investigate the work and methods adopted by the board of supervisors and county tax assessors and confer with such officers and other well-informed persons, ascertain

wherein existing laws are defective or improperly or negligently administered and shall be authorized to exercise the authority granted under Sections 27-1-21 and 27-1-23. However, any language in Section 27-1-21 and Section 27-1-23 relative to the actual assessing or appraising of property by the county or municipal tax assessor is not granted to the Commissioner of Revenue. He shall report the results of his investigation and the facts ascertained to the Governor, from time to time, when required by him, and to each session of the Legislature.

(2) The chancery clerk shall require that the current mailing address and current business or employment telephone number, if any, and current residential telephone number, if any, of each grantor and grantee be included on all deeds as a prerequisite for the deed to be filed for record after July 1, 1987. If the residential telephone number is unlisted, the grantor or grantee shall include on the deed a telephone number where he or she can be reached during business hours. If the grantee may receive mail at the address of the property transferred, then the address of the transferred property shall be the mailing address of the grantee for the purposes of this section. The information provided by the grantor and grantee shall be true and correct and complete to the best of his or her knowledge and belief under penalty of perjury under Section 97-9-61. The chancery clerk may refuse to accept delivery of any deed for filing that does not contain on the deed the information

required in this section. The fact that the information provided by the grantor or grantee may be incorrect, incomplete or false, however, shall not invalidate the deed or the filing thereof for record. The Commissioner of Revenue shall annually audit the deeds filed with the chancery clerk of each county and assess a penalty of One Hundred Dollars ($100.00) against the county for each deed filed in violation of this section, and the aggregate of such sum shall be withheld by the Commissioner of Revenue from the next installment of homestead exemption reimbursement due under Section 27-33-41.

(3) The Commissioner of Revenue or his designees are hereby authorized to verify sales data regarding the transfer of real property by obtaining such information from the grantor or grantee. The information provided by the grantor or grantee to the Commissioner of Revenue or his designee shall be true, correct and complete to the best of his or her knowledge and belief under penalty of perjury under Section 97-9-61. Any information obtained in this manner shall be shared with the county tax assessors and used only for the purpose of valuing property.

(4) The Commissioner of Revenue may request sales data of Class I and Class II property from the county tax assessors in order to develop sales ratios. If a county tax assessor fails to supply accurate information requested by the Commissioner of Revenue, the commissioner shall reject the county's tax roll. The avails of the one (1) mill levy as provided for in Section

27-39-329(2)(b) shall not be expended until the county complies with such request.

(5) When an appraiser employed by the Department of Revenue attends and successfully completes any part of the Mississippi Education and Certification Program and receives a certification, the Commissioner of Revenue is authorized to increase the salary of the appraiser in the amount authorized in Section 27-3-52 for completion of the same certification level by a county tax assessor and/or his deputies or assistants.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 519

Description: Motor vehicle license tags; remove requirement for apportioned vehicles to have decal with expiration month/year on tag.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/19	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	02/25	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 027-0019-0031

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 27-19-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT FOR APPORTIONED VEHICLES TO HAVE A DECAL SPECIFYING THE MONTH AND YEAR OF EXPIRATION ATTACHED TO THE LICENSE TAG; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 519

AN ACT TO AMEND SECTION 27-19-31, MISSISSIPPI CODE OF 1972, TO REMOVE THE REQUIREMENT FOR APPORTIONED VEHICLES TO HAVE A DECAL SPECIFYING THE MONTH AND YEAR OF EXPIRATION ATTACHED TO THE LICENSE TAG; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-19-31, Mississippi Code of 1972, is amended as follows:

27-19-31. (1) The Department of Revenue is authorized and directed to establish and maintain a vehicle registration renewal system whereby the license tag attached upon a motor vehicle or trailer may be issued for five (5) years with the approval of the License Tag Commission, except for motor vehicles registered in excess of ten thousand (10,000) pounds gross vehicle weight, and motor vehicles in a fleet registered under Section 27-19-66, apportioned vehicles, rental and commercial trailers and buses, which shall be issued for a period of time determined by the Department of Revenue. During each intervening year of the period for which license tags are issued, the Department of Revenue shall issue up to two (2) license decals, in lieu of the license tags,

the month and year in which the license tag expires shall be specified on one (1) of the decals so issued. Motor vehicles in a corporate fleet registered under Section 27-19-66 * * *, trailers in a fleet registered under Section 27-19-66.1, and apportioned vehicles shall not be issued decals specifying the month and year of expiration.

Any series of tags may be cancelled by the commissioner with the approval of the License Tag Commission and a new series of tags issued.

(2) The license decals issued in lieu of the license tags shall indicate the month and the last two (2) figures of the year for which such license shall expire. The license decals shall be attached to the license tag of the motor vehicle or trailer, and when so attached shall be deemed to be the license tag for the ensuing registration year. The month and year decal shall be attached in an upright position in the lower right corner of the license tag. Decals specifying the month and year of expiration shall not be required to be attached to license tags on motor vehicles in a corporate fleet registered under Section 27-19-66 * * *, trailers in a fleet registered under Section 27-19-66.1, or apportioned vehicles.

Except as otherwise provided in this paragraph, the registration year shall be a period of one (1) year commencing on the first day of the month following the month in which the vehicle was acquired. Beginning October 1, 1982, original

registrations of motor vehicles, except motor vehicles registered in excess of ten thousand (10,000) pounds gross vehicle weight, apportioned vehicles and buses, may be made and shall be prorated for a period of from six (6) to eleven (11) months according to regulations established by the Department of Revenue to reduce a disproportionate number of registrations for a particular month. Beginning July 1, 1995, original registrations and renewal registrations of motor vehicles in corporate fleets registered under Section 27-19-66, shall be prorated according to regulations established by the Department of Revenue so as to cause the registration of such fleet motor vehicles to coincide with the anniversary month for corporate fleets established by the Department of Revenue. Beginning July 1, 2011, original registrations and renewal registrations of trailers in trailer fleets registered under Section 27-19-66.1 shall be prorated according to regulations established by the Department of Revenue so as to cause the registration of such trailers to coincide with the anniversary month for trailer fleets established by the Department of Revenue. Where a vehicle is registered for a period less than twelve (12) months, the anniversary month shall be the month of the expiration of the original license tag.

Beginning July 1, 1996, original registrations and renewal registrations of motor vehicles in individual fleets registered under Section 27-19-66 shall be prorated according to regulations established by the Department of Revenue so as to cause the

registration of such fleet motor vehicles to coincide with the anniversary month for individual fleets established by the county tax collector. Where a vehicle is registered for a period less than twelve (12) months, the anniversary month shall be the month of the expiration of the original license tag.

The Department of Revenue, with the approval of the License Tag Commission, shall so specify the area or areas on the license tag where the license decals shall be attached. The number of the license tag shall be written across its face, and the number of the tag shall represent the registration number; and upon all the tags for private passenger vehicles the word "MISSISSIPPI" shall be written across the top of the tag in capital letters sufficiently large to be easily read, but upon all other tags such word may be abbreviated. The number of the license tag shall not exceed seven (7) letters, numbers or a combination of such letters and numbers. Also, on all tags sold and issued, an appropriate place will be provided thereon to place license decals indicating the expiration date of the tag. For the purposes of this section and Section 27-19-32, Mississippi Code of 1972, the term "decal," "decals" or "license decal" shall mean a tab, sticker or other similar device attached to a license tag which validates same for a stated period of time. One (1) license tag and up to two (2) license decals shall be furnished for all vehicles and shall be fastened immovably twelve (12) inches or more above the ground, at the rear of the vehicle under or over the rear light, with the

number in upright position so that it will be plainly visible and legible at all times, and at night at a distance of sixty (60) feet. In the case of tractors or other motor vehicles drawing or pulling trailers, semitrailers or farm implements, the tag shall be fastened upon such vehicle twelve (12) inches or more above the ground, upon the front or back of such vehicle, with the number in an upright position. Such license plate, all characters and any legally affixed decals shall not be defaced, covered or obstructed from view by any object, decal, sticker, paint, marking or license plate bracket or holder. Any person who defaces, covers or obstructs any portion of a license tag with any sticker, decoration, paint, marking, license plate bracket or holder or any other thing or device, in such a manner that the characters and any legally affixed decals on the tag cannot be read, shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not more than Twenty-five Dollars ($25.00). However, it shall not be unlawful for the county name to be partially or completely obstructed from view by any object, decal, sticker or license plate bracket or holder. Unless the license tag with current decals is fastened to the vehicle as herein provided, the said vehicle shall be regarded as operating without a license tag, and the owner or operator shall be liable for the penalties herein provided.

In addition to the above requirements, license tags for private passenger vehicles shall have a county designation thereon

referencing the name of the county in which such vehicle is registered.

Law enforcement officers of this state shall remove from a motor vehicle or trailer any license tag and/or decals which are so defaced that proper identification cannot be reasonably made. The officer shall issue to the driver of such vehicle a tag permit which shall be valid for a period of five (5) days. Each person receiving such tag permit shall purchase, within five (5) days from the date of the issuance of the permit, a new tag and/or decals for the fee set forth in Section 27-19-37, Mississippi Code of 1972, for a substitute tag.

Any person who has a license tag or decals on a vehicle which may be so defaced that proper identification cannot be reasonably made may remove such and purchase another license tag and/or decals for the same fee required for a substitute tag. If any license tag shall deteriorate due to age so that identification cannot be reasonably made, the owner may surrender such tag to the issuing authority and be issued a new tag and like decals at no cost.

(3) The Department of Revenue is authorized to promulgate appropriate rules and regulations to govern the use and display of license decals and to publish a summary thereof which shall be available to state officials and the public upon request.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 632

Description: "All Fuels Act of 2021"; establish.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Energy
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/18	(S) Referred To Energy
6	03/01	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

House Committee: Energy
Senate Committee: Energy

Principal Author: Powell
Additional Authors: Aguirre

Title: AN ACT TO ESTABLISH THE "ALL FUELS ACT OF 2021"; TO PROVIDE THAT NO POLITICAL SUBDIVISION MAY PROHIBIT THE EXPANSION, CONNECTION OR RECONNECTION OF A SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY PROVIDED TO A CUSTOMER; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Powell, Aguirre To: Energy

HOUSE BILL NO. 632

AN ACT TO ESTABLISH THE "ALL FUELS ACT OF 2021"; TO PROVIDE THAT NO POLITICAL SUBDIVISION MAY PROHIBIT THE EXPANSION, CONNECTION OR RECONNECTION OF A SERVICE BASED UPON THE TYPE OR SOURCE OF ENERGY PROVIDED TO A CUSTOMER; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. This section may be known and cited as the "All Fuels Act of 2021."

SECTION 2. (1) No political subdivision of this state may adopt an ordinance, resolution, regulation, code or policy that prohibits, or has the effect of prohibiting the expansion, utilization connection or reconnection of a service based upon the type or source of energy to be delivered to an individual customer.

(2) For purposes of this section, the term "political subdivision" shall have the same meaning as provided under Section 11-46-1.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 695

Description: State Domestic Violence Fund; remove the matching funds requirement for.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/17	(S) Referred To Judiciary, Division A; Appropriations
6	03/02	(S) DR - TSDP: JA To AP
7	03/02	(S) Title Suff Do Pass
8	03/04	(S) Passed {Vote}
9	03/08	(S) Returned For Enrolling
10	03/09	(H) Enrolled Bill Signed
11	03/09	(S) Enrolled Bill Signed
12	03/16	Approved by Governor

Code Section: A 093-0021-0107

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Judiciary, Division A, Appropriations

Principal Author: Cockerham

Title: AN ACT TO AMEND SECTION 93-21-107, MISSISSIPPI CODE OF 1972, TO REMOVE THE MATCHING FUNDS REQUIREMENT FOR THE STATE DOMESTIC VIOLENCE FUND; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 695

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Judiciary A

HOUSE BILL NO. 695

AN ACT TO AMEND SECTION 93-21-107, MISSISSIPPI CODE OF 1972, TO REMOVE THE MATCHING FUNDS REQUIREMENT FOR THE STATE DOMESTIC VIOLENCE FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 93-21-107, Mississippi Code of 1972, is amended as follows:

93-21-107. (1) To qualify for funds under the provisions of Sections 93-21-101 through 93-21-113, a domestic violence shelter shall meet all the following requirements:

(a) Be incorporated in the state or recognized by the Secretary of State as a private or public nonprofit corporation. Such corporation shall have a board of directors and/or an advisory committee who represents the racial, ethnic and social economic diversity of the area to be served, including, if possible, at least one (1) person who is or has been a victim of domestic violence.

(b) Have designed and developed a program to provide the following basic services to victims of domestic violence and their children:

(i) Shelter on a twenty-four (24) hour a day, seven (7) days a week basis.

(ii) A twenty-four (24) hour, seven (7) days a week switchboard for crisis calls.

(iii) Temporary housing and food facilities.

(iv) Group support and peer counseling.

(v) Referrals to existing services in the community and follow-up on the outcome of the referrals.

(vi) A method of referral for medical care, legal assistance and group support and counseling of victims of domestic violence.

(vii) Information regarding reeducation, marriage and family counseling, job counseling, and training programs, housing referrals, and other available social services.

(viii) A referral program of counseling for the victim and the offender.

(2) Domestic violence shelters shall establish procedures for admission of victims of domestic violence who may seek admission to these shelters on a voluntary basis.

(3) A domestic violence shelter shall not qualify for funds if it discriminates in its admissions or provision of services on

the basis of race, religion, color, age, marital status, national origin or ancestry.

* * *

(* * *4) A domestic violence shelter receiving state funding under the provisions of Sections 93-21-101 through 93-21-113 shall not be prohibited from accepting gifts, trusts, bequests, grants, endowments, federal funds, other special source funds or transfers of property of any kind for the support of that shelter program.

(* * *5) The OAIV shall insure that no grant made with state funds is in an amount that would exceed One Hundred Thousand Dollars ($100,000.00) inflated by a general CPI inflator to insure that the grant offers shelters the same buying power that a grant of One Hundred Thousand Dollars ($100,000.00) provided in 1983.

(* * *6) A domestic violence shelter shall require persons employed by or volunteering services to the shelter to maintain the confidentiality of any information that would identify individuals served by the shelter.

(* * *7) A domestic violence shelter shall provide educational programs relating to battered spouses and domestic violence designed for both the community at large and/or specialized groups such as hospital personnel and law enforcement officials.

(* * *8) No child shall be placed in any domestic violence shelter that receives state funding under these provisions of

Sections 93-21-101 through 93-21-113, and no domestic violence shelter that receives state funding under these provisions may admit or accept any child, unless the child is accompanied by his parent or guardian and such parent or guardian will remain with the child in the shelter until the child leaves or is released from the shelter. However, this subsection shall not prevent any rape crisis center from providing care, counseling and related services to any child who is a victim of rape, attempted rape, sexual battery or attempted sexual battery and who is not accompanied by his parent or guardian.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 746

Description: Mississippi Motor Vehicle Commission Law; revise regarding warranty reimbursement.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Judiciary A
2	01/28	(H) Title Suff Do Pass
3	02/09	(H) Passed {Vote}
4	02/10	(H) Transmitted To Senate
5	02/17	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Returned For Enrolling
9	03/09	(H) Enrolled Bill Signed
10	03/09	(S) Enrolled Bill Signed
11	03/16	Approved by Governor

Code Section: A 063-0017-0055, A 063-0017-0085

----- Additional Information -----

House Committee: Judiciary A
Senate Committee: Finance

Principal Author: Cockerham
Additional Authors: Aguirre, Lancaster

Title: AN ACT TO AMEND SECTION 63-17-55, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS FOR THE MISSISSIPPI MOTOR VEHICLE COMMISSION LAW; TO AMEND SECTION 63-17-85, MISSISSIPPI CODE OF 1972, TO REVISE THE REASONS FOR WHICH THE MOTOR VEHICLE COMMISSION MAY REJECT OR ACCEPT A LICENSE; TO CREATE NEW SECTION 63-17-86, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE OBLIGATIONS OF MANUFACTURERS, DISTRIBUTORS AND MOTOR VEHICLE DEALERS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 746

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Judiciary A

HOUSE BILL NO. 746

AN ACT TO AMEND SECTION 63-17-55, MISSISSIPPI CODE OF 1972, TO REVISE THE DEFINITIONS FOR THE MISSISSIPPI MOTOR VEHICLE COMMISSION LAW; TO AMEND SECTION 63-17-85, MISSISSIPPI CODE OF 1972, TO REVISE THE REASONS FOR WHICH THE MOTOR VEHICLE COMMISSION MAY REJECT OR ACCEPT A LICENSE; TO CREATE NEW SECTION 63-17-86, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE OBLIGATIONS OF MANUFACTURERS, DISTRIBUTORS AND MOTOR VEHICLE DEALERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 63-17-55, Mississippi Code of 1972, is amended as follows:

63-17-55. The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or

persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis.

(b) "Motor vehicle dealer" or "dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who holds a bona fide contract or franchise in effect with a manufacturer, distributor or wholesaler of new motor vehicles, and a license under the provisions of the Mississippi Motor Vehicle Commission Law, and such duly franchised and licensed motor vehicle dealers shall be the sole and only persons, firms, partnerships, copartnerships, associations, corporations, trusts or legal entities entitled to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such.

(c) The term "motor vehicle dealer" does not include:

(i) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;

(ii) Public officers while performing their duties as such officers;

(iii) Employees of persons, corporations or associations enumerated in paragraph (c)(i) of this section when engaged in the specific performance of their duties as such employees; or

(iv) A motor vehicle manufacturer operating a project as defined in Section 57-75-5(f)(iv)1; and the provisions of the Mississippi Motor Vehicle Commission Law shall not apply to:

1. a. Any lease by such a motor vehicle manufacturer of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis; or

b. Any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or

2. Any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section 27-19-309(8).

(d) "New motor vehicle" means a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

(e) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a motor vehicle dealer purchasing in his capacity as such dealer, who in good-faith

purchases such new motor vehicle for purposes other than for resale.

(f) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a new motor vehicle to an ultimate purchaser for use as a consumer.

(g) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer whose duties include the selling or offering for sale of new motor vehicles.

(h) "Commission" means the Mississippi Motor Vehicle Commission.

(i) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles.

(j) "Distributor" or "wholesaler" means any person, firm, association, corporation or trust, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

(k) "Factory branch" means a branch or division office maintained by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles for sale to distributors or wholesalers, to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.

(l) "Distributor branch" means a branch or division office similarly maintained by a distributor or wholesaler for the same purposes a factory branch or division is maintained.

(m) "Factory representative" means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, or for supervising or contacting his, its or their dealers or prospective dealers.

(n) "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

(o) "Person" means and includes, individually and collectively, individuals, firms, partnerships, copartnerships, associations, corporations and trusts, or any other forms of business enterprise, or any legal entity.

(p) "Good faith" means the duty of each party to any franchise agreement, and all officers, employees or agents * * * of such party, to act in a fair and equitable manner toward each other in the performance of the respective obligations under the franchise agreement.

(q) "Coerce" means to compel or attempt to compel by threat or duress. However, recommendation, exposition, persuasion, urging or argument shall not be deemed to constitute coercion.

(r) "Special tools" are those which a dealer was required to purchase by the manufacturer or distributor for service on that manufacturer's product.

(s) "Motor vehicle lessor" means any person, not excluded by paragraph (c) of this section, engaged in the motor vehicle leasing or rental business.

(t) "Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses and other similar limited purpose vehicles as the commission may by regulation provide.

(u) "Auto auction" means (i) any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers, (ii) any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment, or (iii) any person who provides the facilities for or is in the business of selling in an auction format motor vehicles.

(v) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

(w) "Dealer-operator" means the individual designated in the franchise agreement as the operator of the motor vehicle dealership.

(x) "Franchise" or "franchise agreement" means a written contract or agreement between a motor vehicle dealer and a manufacturer or its distributor or factory branch by which the motor vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models or classifications of new motor vehicles marketed or leased by the manufacturer and designated in the agreement or any addendum to such agreement.

(y) "Net cost" means the price the motor vehicle dealer pays for new motor vehicles, supplies, parts, equipment, signs, furnishings and special tools, minus any applicable discounts or subsidies obtained by the motor vehicle dealer.

(z) "Line or make" means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common trademark, service mark or brand name; however:

(i) Multiple brand names or marks may constitute a single line or make, but only when included in a common motor vehicle dealer agreement and the manufacturer, distributor or

importer offers such vehicles bearing the multiple names of marks together only, and not separately, to its authorized motor vehicle dealers.

(ii) Motor vehicles bearing a common brand name or mark may constitute separate line or makes when such vehicles are of different vehicle types or are intended for different types of use, provided that either:

1. The manufacturer has expressly defined or covered the subject line or makes of vehicles as separate and distinct line or makes in the applicable dealer agreements; or

2. The manufacturer has consistently characterized the subject vehicles as constituting separate and distinct line or makes to its dealer network.

(aa) "Site-control agreement" or "exclusive use agreement" means an agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:

(i) Controlling the use and development of the premises of a motor vehicle dealer's franchise or facilities;

(ii) Requiring a motor vehicle dealer to establish or maintain an exclusive motor vehicle dealership facility on the premises of the motor vehicle dealer's franchise or facility;

(iii) Restricting the power or authority of the dealer or the lessor, if the motor vehicle dealer leases the dealership premises, to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease,

lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or

(iv) Establishing a valuation process or formula for the motor vehicle dealership premises that does not allow for the motor vehicle dealership premises to be transferred, sold or leased by the motor vehicle dealer at the highest and best use valuation for the motor vehicle dealership premises.

(bb) "Market area" means the area of responsibility set forth in the franchise agreement.

(cc) "Core parts" means those original vehicle manufacturer parts that are listed in the original vehicle manufacturer's or distributor's current parts catalog, for which there is a core charge and which are returnable to the manufacturer or distributor.

(dd) "Pre-delivery preparation obligations" means all work and services, except warranty work, performed on new motor vehicles by motor vehicle dealers at the direction of the vehicle manufacturer prior to the delivery of such vehicles to the first retail consumer.

(ee) "Warranty work" means all labor, including that of a diagnostic character, performed, and all parts, including original or replacement parts, and components, including engine, transmission, and other parts assemblies, installed by motor vehicle dealers on motor vehicles which are reasonably incurred by

motor vehicle dealers (other than the incidental expenses incurred in performing labor and installing parts on motor vehicles) in fulfilling a manufacturer's obligations under a new motor vehicle warranty, a recall, or a certified pre-owned warranty, to consumers, including, but not limited to, the expense of shipping or returning defective parts to the manufacturer, when required by the manufacturer.

(ff) "Repair order" means an invoice, paid by a retail customer, and closed as of the time of submission, encompassing one or more repairs to a new motor vehicle, and reflecting, in the case of a parts mark-up submission, the cost of each part and the sale price thereof, and in the case of a labor rate submission, the total charges for labor and the total number of hours that produced such charges, which invoice may be submitted in electronic form.

(gg) "Qualified repair" means a repair to a motor vehicle, paid by a retail customer, which would have come within the manufacturer's new motor vehicle warranty, but for the motor vehicle having exceeded the chronological or mileage limit of such warranty, and which does not constitute any of the work encompassed by subsection (4) of Section 63-17-86.

(hh) "Qualified repair order" means a repair order which encompasses, in whole or in part, a qualified repair or repairs.

SECTION 2. Section 63-17-85, Mississippi Code of 1972, is amended as follows:

63-17-85. The commission may deny an application for a license, or revoke or suspend a license after it has been granted, for any of the following reasons:

(a) On satisfactory proof of unfitness of the applicant or the licensee, as the case may be, under the standards established and set out in the Mississippi Motor Vehicle Commission Law.

(b) For fraud practiced or any material misstatement made by an applicant in any application for license under the provisions of Section 63-17-75.

(c) For any willful failure to comply with any provision of said law or with any rule or regulation promulgated by the commission under authority vested in it by said law.

(d) Change of condition after license is granted or failure to maintain the qualifications for license.

(e) Continued or flagrant violation of any of the provisions of said law or of any of the rules or regulations of the commission.

(f) For any willful violation of any law relating to the sale, distribution or financing of motor vehicles.

(g) Willfully defrauding any retail buyer to the buyer's damage.

(h) Willful failure to perform any written agreement with any retail buyer.

(i) Being a manufacturer who, * * * fails to specify to its motor vehicle dealers the * * * pre-delivery preparation obligations of its motor vehicle dealers prior to delivery of new motor vehicles to retail buyers * * *, including a schedule of the compensation to be paid to its motor vehicle dealers for the work and services they shall be required to perform in connection with such * * * pre-delivery and preparation obligations * * * and shall constitute any such dealer's only responsibility for product liability as between such dealer and such manufacturer. The compensation as set forth on said schedule shall be reasonable and the reasonableness thereof shall be subject to the * * * determination by the commission as to reasonableness in the event a dealer files a verified complaint with the commission challenging the reasonableness of the pre-delivery preparation obligations or compensation. Any mechanical, body or parts defects arising from any express or implied warranties of any such manufacturer shall constitute such manufacturer's product or warranty liability.

(j) On satisfactory proof that any manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division has unfairly and without due regard to the equities of the parties or to the detriment of the public welfare failed to properly fulfill any

warranty agreement or to adequately and fairly compensate any of its motor vehicle dealers for labor * * * and parts * * * incurred by any such dealer with regard to * * * warranty * * * work performed by any such dealer, and upon the written request of a dealer using a format provided by the manufacturer, which is consistent with the requirements of Section 63-17-86. In no event shall any such manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division pay to * * * the requesting motor vehicle * * * dealer an hourly labor rate * * * and parts mark-up for warranty work that is less than that charged by * * * such dealer to its retail customers in accordance with Section 63-17-86. Time allowances for the diagnosis and performance of warranty work shall be reasonable and adequate for such work to be performed using the actual time required by a qualified technician of ordinary skill to perform such work. No such dealer shall charge to its manufacturer, distributor, wholesaler, distributor branch or division, factory branch or division, or wholesaler branch or division, a labor rate * * * in excess of the rate charged to its retail customers. All claims made by motor vehicle dealers hereunder for such labor * * * and/or parts * * * shall be paid within thirty (30) days following their approval. All such claims shall be either approved or disapproved within thirty (30) days after their receipt, and when any such claim is disapproved the motor vehicle dealer who submits it shall be notified in writing

of its disapproval within said period, and each such notice shall state the specific grounds upon which the disapproval is based.

(k) For the commission of any act prohibited by Sections 63-17-73 through * * * 63-17-86 or the failure to perform any of the requirements of said sections.

If the commission finds, after notice and hearing in the manner provided for under the Mississippi Motor Vehicle Commission Law, that there is sufficient cause upon which to base the revocation of the license of any licensee involved in the hearing, the commission may in lieu of revoking such license assess a civil penalty against the guilty licensee not to exceed Ten Thousand Dollars ($10,000.00). If the commission finds, after such notice and hearing, that sufficient cause exists for the suspension only of the license of any licensee, the commission may in lieu of suspending such license assess a civil penalty against the guilty licensee of not less than Fifty Dollars ($50.00) nor more than Five Hundred Dollars ($500.00) per day for each day such license would otherwise be suspended. However, the amount of such penalty shall not exceed an aggregate of Seven Thousand Five Hundred Dollars ($7,500.00). Failure of the licensee to pay all penalties so assessed within the time allowed by the commission for the payment thereof, which time shall in no case exceed ninety (90) days from the date of the commission's order making such assessment, shall, unless an appeal is taken and perfected within the time and in the manner provided by the Mississippi Motor

Vehicle Commission Law, result in an automatic revocation of such licensee's license. Any such penalties assessed by the commission remaining unpaid at the expiration of the time for payment may be recovered by an action in the name of the commission. All such actions shall be brought by the Attorney General of the State of Mississippi upon the written request of the commission to do so, and shall be brought in the chancery court of the county or the chancery court of the judicial district of the county to which the commission's order making such assessment is appealable under the provisions of Section 63-17-99. All civil penalties assessed and collected by the commission under the authority of this subsection shall be deposited in the General Fund of the State Treasury.

SECTION 3. The following shall be codified as Section 63-17-86, Mississippi Code of 1972:

63-17-86. **Obligations of manufacturers, distributors and motor vehicle dealers. Establishment of rate for parts and labor. Establishment, rebuttal and protest.**

(1) The mark-up customarily charged by the dealer for parts or its labor rate may be established at the election of the dealer by the dealer submitting to the manufacturer, either by electronic transmission or tangible delivery, and in accordance with Section 63-17-85(j), all consecutive repair orders that include one hundred (100) sequential repair orders reflecting qualified repairs, or all repair orders closed during any period of ninety (90) consecutive days, whichever produces the fewer number of

repair orders, covering repairs made no more than one hundred eighty (180) days before the submission, and declaring the parts mark-up or labor rate.

(2) The dealer shall calculate its labor rate by determining the total charges for labor from the qualified repairs submitted and dividing that amount by the total number of hours that produced such charges. The dealer shall calculate its parts mark-up by determining the total charges for parts from the qualified repairs submitted, dividing that amount by its total cost of the purchase of such parts, subtracting one from that amount, and multiplying by one hundred (100) to produce a percentage.

(3) A motor vehicle dealer seeking to establish or modify its warranty reimbursement labor rate, parts mark-up, or both shall no more frequently than once per twelve-month period, submit to the manufacturer:

(a) A single set of repair orders for purposes of calculating both its labor rate and parts mark-up; or

(b) A set of repair orders for purposes of calculating only its labor rate or for purposes of calculating only its parts mark-up.

(4) In calculating the rate customarily charged by the dealer for parts and labor for purposes of this paragraph, the following shall not be included:

(a) Repairs which are the subject of manufacturer discounts, such as special events, specials, promotions, coupons, or service campaigns.

(b) Parts sold at wholesale.

(c) Repairs of motor vehicles owned by the dealer.

(d) Routine maintenance, including, but not limited to, replacements of fluids, filters, batteries, bulbs, belts, nuts, bolts, or fasteners, unless provided in the course of, and related to, an otherwise qualified repair.

(e) Installations of accessories.

(f) Replacements of or work on tires, wheels, or brakes, including alignments, wheel or tire rotations, or replacements of brake drums, rotors, shoes, or pads.

(g) Vehicle reconditioning.

(h) Safety or emission inspections required by law.

(i) Repairs for which volume discounts have been negotiated with government agencies or insurers.

(j) Bodyshop repairs of conditions caused by collision, road hazard, the force of the elements, vandalism, theft, or owner, operator, or third-party negligence or deliberate act.

(k) Parts that do not have individual part numbers.

(l) Manufacturer approved and reimbursed goodwill repairs or reimbursements.

(m) Window replacement, window etching, window tint, protective film, or other masking products.

(5) The submitted parts mark-up or labor rate shall each be presumed to be reasonable, and shall go into effect forty-five (45) days after the manufacturer's receipt of its submission, unless, within such period, the manufacturer rebuts that presumption, by reasonably substantiating that such submission is materially incomplete, materially inaccurate or is materially unreasonable and providing a full explanation of any and all reasons that such submitted mark-up or rate is materially incomplete, materially inaccurate or materially unreasonable, evidence validating each such reason, a copy of all calculations used by it demonstrating any material inaccuracy, and a proposed adjusted mark-up or rate provided that the dealers submission is materially accurate, based upon the qualified repair orders submitted by the dealer. In such event, the manufacturer may not submit more than one (1) such rebuttal to the dealer, and may not thereafter add to, expand, supplement, or otherwise modify any element thereof, including, but not limited to, its grounds for contesting such parts mark-up or labor rate.

If a manufacturer determines from any set of repair orders submitted under this subsection and Section 63-17-86 that the labor rate or parts mark-up calculated under this subsection is substantially higher or lower than the rate currently on record with the manufacturer for labor and/or parts, the manufacturer may, in accordance with this subsection, request additional repair orders for a period of either sixty (60) days prior to or sixty

(60) days subsequent to the time period for which the repair orders were submitted for purposes of an alteration, and shall have forty-five (45) days from receiving the additional repair orders to rebut the presumption that the dealer's proposed mark-up and labor rates are reasonable.

(6) If the dealer and the manufacturer do not agree on the parts mark-up or labor rate, as the case may be, then the dealer may file a protest with the commission within sixty (60) days of receiving the manufacturer's written rejection of the dealer's proposed parts mark-up or labor rate. If such a protest is filed, the commission shall inform the manufacturer thereof and that a hearing will be held thereon. In any such hearing, the manufacturer shall have the burden of proving by a preponderance of the evidence that the dealer's submitted parts mark-up or labor rate or both was materially incomplete, materially inaccurate or was unreasonable as described in subsection (5). Upon a commission decision in favor of the dealer, any increase in the dealer's parts mark-up or labor rate arising from such proceeding shall be effective retroactively to the date forty-five (45) days following the manufacturer's receipt of the original submission to the manufacturer.

(7) If a manufacturer furnishes a part or component to a dealer, at reduced or no cost, to use in performing warranty work, the manufacturer shall compensate the dealer for the part or component in the same manner as warranty parts compensation under

this section by compensating the dealer on the basis of the dealer's mark-up on the cost for the part or component as listed in the manufacturer's price schedule less the cost for the part or component.

(8) A manufacturer may not require a dealer to establish the rate customarily charged by the dealer for parts and labor by an unduly burdensome or time-consuming method or by requiring information that is unduly burdensome or time-consuming to provide.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 886

Description: Law enforcement officers; exempt from concealed firearms permit fees and renewal fees.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Amended
4	02/03	(H) Passed As Amended {Vote}
5	02/04	(H) Transmitted To Senate
6	02/16	(S) Referred To Judiciary, Division B
7	03/02	(S) Title Suff Do Pass
8	03/04	(S) Passed {Vote}
9	03/08	(S) Motion to Reconsider Entered
10	03/11	(S) Motion to Reconsider Tabled
11	03/11	(S) Returned For Enrolling
12	03/11	(H) Enrolled Bill Signed
13	03/12	(S) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 045-0009-0101

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Judiciary, Division B

Principal Author: Owen
Additional Authors: Anderson (122nd), Felsher, Ford (73rd), McCarty, Newman, Wright, Williamson, Brown (20th), Haney, Crawford

Title: AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO EXEMPT LAW ENFORCEMENT OFFICERS WHO ARE EMPLOYED WITH

A LAW ENFORCEMENT AGENCY OF A MUNICIPALITY, COUNTY OR STATE AT THE TIME OF APPLICATION FOR A CONCEALED CARRY PERMIT FROM PERMITTING FEES AND RENEWAL FEES; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Owen, Anderson (122nd), Felsher, Ford (73rd), McCarty, Newman, Wright, Williamson, Brown (20th), Haney, Crawford

To: Ways and Means

HOUSE BILL NO. 886
(As Passed the House)

AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO EXEMPT LAW ENFORCEMENT OFFICERS WHO ARE EMPLOYED WITH A LAW ENFORCEMENT AGENCY OF A MUNICIPALITY, COUNTY OR STATE AT THE TIME OF APPLICATION FOR A CONCEALED CARRY PERMIT FROM PERMITTING FEES AND RENEWAL FEES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display

both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the

processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States, and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of application for the license, shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the

applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice

of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or

revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) No less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and

a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans * * *, active duty members of the Armed Forces of the United States and law enforcement officers employed with a law enforcement agency of a municipality, county or state at the time of renewal, shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate

agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person , except a law enforcement officer as defined in Section 45-6-3 with a distinct license authorized by the Department of Public Safety, to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee

thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which

a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section.

(a) The Commissioner of Public Safety shall promulgate rules and regulations to provide licenses to law enforcement officers as defined in Section 45-6-3 who choose to obtain a license under the provision of this section, which shall include a distinction that the officer is an "active duty" law enforcement officer and an endorsement that such officer is authorized to carry in the locations listed in subsection (13). A law enforcement officer shall provide the following information to receive the license described in this subsection: (i) a letter, with the official letterhead of the agency or department for which the officer is employed at the time of application and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(b) The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The

Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure, momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) that the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following

information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 949

Description: Solid waste landfills; prohibit new landfill in county where 2 or more exist, unless referendum held.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Conservation and Water Resources
2	02/02	(H) Title Suff Do Pass
3	02/10	(H) Amended
4	02/10	(H) Passed As Amended {Vote}
5	02/12	(H) Transmitted To Senate
6	02/25	(S) Referred To County Affairs
7	03/01	(S) Title Suff Do Pass As Amended
8	03/02	(S) Amended
9	03/02	(S) Passed As Amended {Vote}
10	03/03	(S) Returned For Concurrence
11	03/03	(H) Concurred in Amend From Senate {Vote}
12	03/04	(H) Enrolled Bill Signed
13	03/04	(S) Enrolled Bill Signed
14	03/10	Approved by Governor

Amendments:

[H] Amendment No 1 ***Adopted*** Voice Vote
[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 949

Code Section: A 017-0017-0227, A 017-0017-0229

----- Additional Information -----

House Committee: Conservation and Water Resources
Senate Committee: County Affairs

Principal Author: Ford (73rd)
Additional Authors: Blackmon, Gibbs (72nd), Stamps

Title: AN ACT TO AMEND SECTION 17-17-227, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO SOLID WASTE MANAGEMENT PLAN SHALL INCLUDE ANY PROPOSED NEW MUNICIPAL SOLID WASTE LANDFILL IF THE NEW LANDFILL IS LOCATED WITHIN A CERTAIN COUNTY HAVING TWO OR MORE EXISTING PERMITTED MUNICIPAL SOLID WASTE LANDFILLS AND SUCH NEW LANDFILL WILL BE LOCATED WITHIN A FIVE-MILE RADIUS OF AN EXISTING MUNICIPAL SOLID WASTE LANDFILL, UNLESS A REFERENDUM ELECTION HAS BEEN CONDUCTED AND APPROVED; TO AMEND SECTION 17-17-229, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A FACILITY PERMIT GRANT OR LOAN MAY NOT BE ISSUED BY ANY AGENCY OF THE STATE FOR ANY NEW MUNICIPAL SOLID WASTE LANDFILL IF THE NEW LANDFILL IS LOCATED WITHIN A CERTAIN COUNTY HAVING TWO OR MORE EXISTING PERMITTED MUNICIPAL SOLID WASTE LANDFILLS AND SUCH NEW LANDFILL WILL BE LOCATED WITHIN A FIVE-MILE RADIUS OF AN EXISTING MUNICIPAL SOLID WASTE LANDFILL, UNLESS A REFERENDUM HAS BEEN CONDUCTED AND APPROVED; TO CREATE NEW SECTION 17-17-237, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REFERENDUM PROCESS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Ford (73rd), Blackmon, Gibbs (72nd), Stamps

To: Conservation and Water Resources

HOUSE BILL NO. 949
(As Sent to Governor)

AN ACT TO AMEND SECTION 17-17-227, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO SOLID WASTE MANAGEMENT PLAN SHALL INCLUDE ANY PROPOSED NEW MUNICIPAL SOLID WASTE LANDFILL IF THE NEW LANDFILL IS LOCATED WITHIN A CERTAIN COUNTY HAVING TWO OR MORE EXISTING PERMITTED MUNICIPAL SOLID WASTE LANDFILLS AND SUCH NEW LANDFILL WILL BE LOCATED WITHIN A FIVE-MILE RADIUS OF AN EXISTING MUNICIPAL SOLID WASTE LANDFILL, UNLESS A REFERENDUM ELECTION HAS BEEN CONDUCTED AND APPROVED; TO AMEND SECTION 17-17-229, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A FACILITY PERMIT GRANT OR LOAN MAY NOT BE ISSUED BY ANY AGENCY OF THE STATE FOR ANY NEW MUNICIPAL SOLID WASTE LANDFILL IF THE NEW LANDFILL IS LOCATED WITHIN A CERTAIN COUNTY HAVING TWO OR MORE EXISTING PERMITTED MUNICIPAL SOLID WASTE LANDFILLS AND SUCH NEW LANDFILL WILL BE LOCATED WITHIN A FIVE-MILE RADIUS OF AN EXISTING MUNICIPAL SOLID WASTE LANDFILL, UNLESS A REFERENDUM HAS BEEN CONDUCTED AND APPROVED; TO CREATE NEW SECTION 17-17-237, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REFERENDUM PROCESS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 17-17-227, Mississippi Code of 1972, is amended as follows:

17-17-227. (1) Each county, in cooperation with municipalities within the county, shall prepare, adopt and submit to the commission for review and approval a local nonhazardous solid waste management plan for the county. Each local

nonhazardous solid waste management plan shall include, at a minimum, the following:

(a) An inventory of the sources, composition and quantities by weight or volume of municipal solid waste annually generated within the county, and the source, composition and quantity by weight or volume of municipal solid waste currently transported into the county for management;

(b) An inventory of all existing facilities where municipal solid waste is currently being managed, including the environmental suitability and operational history of each facility, and the remaining available permitted capacity for each facility;

(c) An inventory of existing solid waste collection systems and transfer stations within the county. The inventory shall identify the entities engaging in municipal solid waste collection within the county;

(d) A strategy for achieving a twenty-five percent (25%) waste reduction goal through source reduction, recycling or other waste reduction technologies;

(e) A projection, using acceptable averaging methods, of municipal solid waste generated within the boundaries of the county over the next twenty (20) years;

(f) An identification of the additional municipal solid waste management facilities, including an evaluation of alternative management technologies, and the amount of additional

capacity needed to manage the quantities projected in paragraph (e);

(g) An estimation of development, construction, operational, closure and post-closure costs, including a proposed method for financing those costs;

(h) A plan for meeting any projected capacity shortfall, including a schedule and methodology for attaining the required capacity;

(i) A determination of need by the county, municipality, authority or district that is submitting the plan, for any new or expanded facilities. A determination of need shall include, at a minimum, the following:

(i) Verification that the proposed facility meets needs identified in the approved local nonhazardous solid waste management plan which shall take into account the quantities of municipal solid waste generated and the design capacities of existing facilities;

(ii) Certification that the proposed facility complies with local land use and zoning requirements, if any;

(iii) Demonstration, to the extent possible, that operation of the proposed facility will not negatively impact the waste reduction strategy of the county, municipality, authority or district that is submitting the plan;

(iv) Certification that the proposed service area of the proposed facility is consistent with the local nonhazardous solid waste management plan; and

(v) A description of the extent to which the proposed facility is needed to replace other facilities; and

(j) Any other information the commission may require.

(2) Each local nonhazardous solid waste management plan may include:

(a) The preferred site or alternative sites for the construction of any additional municipal solid waste management facilities needed to properly manage the quantities of municipal solid waste projected for the service areas covered by the plan, including the factors which provided the basis for identifying the preferred or alternative sites; and

(b) The method of implementation of the plan with regard to the person who will apply for and acquire the permit for any planned additional facilities and the person who will own or operate any of the facilities.

(3) Each municipality shall cooperate with the county in planning for the management of municipal solid waste generated within its boundaries or the area served by that municipality. The governing authority of any municipality which does not desire to be included in the local nonhazardous solid waste management plan shall adopt a resolution stating its intent not to be included in the county plan. The resolution shall be provided to

the board of supervisors and the commission. Any municipality resolving not to be included in a county waste plan shall prepare a local nonhazardous solid waste management plan in accordance with this section.

(4) The board of supervisors of any county may enter into interlocal agreements with one or more counties as provided by law to form a regional solid waste management authority or other district to provide for the management of municipal solid waste for all participating counties. For purposes of Section 17-17-221 through Section 17-17-227, a local nonhazardous solid waste management plan prepared, adopted, submitted and implemented by the regional solid waste management authority or other district is sufficient to satisfy the planning requirements for the counties and municipalities within the boundaries of the authority or district.

(5) (a) Upon completion of its local nonhazardous solid waste management plan, the board of supervisors of the county shall publish in at least one (1) newspaper as defined in Section 13-3-31, having general circulation within the county a public notice that describes the plan, specifies the location where it is available for review, and establishes a period of thirty (30) days for comments concerning the plan and a mechanism for submitting those comments. The board of supervisors shall also notify the board of supervisors of adjacent counties of the plan and shall make it available for review by the board of supervisors of each

adjacent county. During the comment period, the board of supervisors of the county shall conduct at least one (1) public hearing concerning the plan. The board of supervisors of the county shall publish twice in at least one (1) newspaper as defined in Section 13-3-31, having general circulation within the county, a notice conspicuously displayed containing the time and place of the hearing and the location where the plan is available for review.

(b) After the public hearing, the board of supervisors of the county may modify the plan based upon the public's comments. Within ninety (90) days after the public hearing, each board of supervisors shall approve a local nonhazardous solid waste management plan by resolution.

(c) A regional solid waste management authority or other district shall declare the plan to be approved as the authority's or district's solid waste management plan upon written notification, including a copy of the resolution, that the board of supervisors of each county forming the authority or district has approved the plan.

(6) Upon ratification of the plan, the governing body of the county, authority or district shall submit it to the commission for review and approval in accordance with Section 17-17-225. The commission shall, by order, approve or disapprove the plan within one hundred eighty (180) days after its submission. The commission shall include with an order disapproving a plan a

statement outlining the deficiencies in the plan and directing the governing body of the county, authority or district to submit, within one hundred twenty (120) days after issuance of the order, a revised plan that remedies those deficiencies. If the governing body of the county, authority or district, by resolution, requests an extension of the time for submission of a revised plan, the commission may, for good cause shown, grant one (1) extension for a period of not more than sixty (60) additional days.

(7) After approval of the plan or revised plan by the commission, the governing body of the county, authority or district shall implement the plan in compliance with the implementation schedule contained in the approved plan.

(8) The governing body of the county, authority or district shall annually review implementation of the approved plan. The commission may require the governing body of each local government or authority to revise the local nonhazardous solid waste management plan as necessary, but not more than once every five (5) years.

(9) If the commission finds that the governing body of a county, authority or district has failed to submit a local nonhazardous solid waste management plan, obtain approval of its local nonhazardous solid waste management plan or materially fails to implement its local nonhazardous solid waste management plan, the commission shall issue an order in accordance with Section

17-17-29, to the governing body of the county, authority or district.

(10) The commission may, by regulation, adopt an alternative procedure to the procedure described in this section for the preparation, adoption, submission, review and approval of minor modifications of an approved local nonhazardous solid waste management plan. For purposes of this section, minor modifications may include administrative changes or the addition of any noncommercial nonhazardous solid waste management facility.

(11) The executive director of the department shall maintain a copy of all local nonhazardous solid waste management plans that the commission has approved and any orders issued by the commission.

(12) If a public notice required in subsection (5) was published in a newspaper as defined in Section 13-3-31, having general circulation within the county but was not published in a daily newspaper of general circulation as required by subsection (5) before April 20, 1993, the commission shall not disapprove the plan for failure to publish the notice in a daily newspaper. Any plan disapproved for that reason by the commission shall be deemed approved after remedying any other deficiencies in the plan.

(13) Notwithstanding any provision of this chapter, no solid waste management plan shall include a proposed new municipal solid waste landfill in any county that has two (2) or more existing permitted municipal solid waste landfills and such new landfill

will be located within a five (5) mile radius of an existing municipal solid waste landfill, unless a referendum election has been conducted and approved pursuant to Section 17-17-237. This subsection (13) shall not apply to the proposed expansion or replacement of any permitted landfill by the permit holder, and shall not apply to any rubbish disposal facilities, transfer stations, land application sites, composting facilities, solid waste processing facilities, chipping/mulching facilities, industrial/institutional/special waste landfills, industrial/institutional/special waste rubbish sites, waste tire processing facilities, commercial waste tire collection sites, local government waste tire collection sites or generator waste tire collection sites, and none of those facilities, stations, landfills or sites shall be counted as a landfill within a county for the purpose of determining whether a referendum election is required to be conducted in the county as provided in this section.

SECTION 2. Section 17-17-229, Mississippi Code of 1972, is amended as follows:

17-17-229. (1) After approval of a local nonhazardous solid waste management plan by the commission, neither the department, the permit board nor any other agency of the State of Mississippi shall issue any permit, grant or loan for any nonhazardous solid waste management facility in a county, municipality region, or

district which is not consistent with the approved local nonhazardous solid waste management plan.

(2) The commission shall adopt criteria to be considered in location and permitting of nonhazardous solid waste management facilities. The criteria shall be developed through public participation, shall be enforced by the permit board and shall include, in addition to all applicable state and federal rules and regulations, consideration of:

(a) Hydrological and geological factors, such as floodplains, depth to water table, soil composition, and permeability, cavernous bedrock, seismic activity, and slope;

(b) Natural resources factors, such as wetlands, endangered species habitats, proximity to parks, forests, wilderness areas and historical sites, and air quality;

(c) Land use factors, such as local land use, whether residential, industrial, commercial, recreational, agricultural, proximity to public water supplies, and proximity to incompatible structures such as schools, churches and airports;

(d) Transportation factors, such as proximity to waste generators and to population, route safety and method of transportation; and

(e) Aesthetic factors, such as the visibility, appearance and noise level of the facility.

(3) Notwithstanding any provision of this chapter, no solid waste management plan shall include a proposed new municipal solid

waste landfill in any county that has two (2) or more existing permitted municipal solid waste landfills and such new landfill will be located within a five (5) mile radius of an existing municipal solid waste landfill, unless a referendum election has been conducted and approved pursuant to Section 17-17-237. This subsection (3) shall not apply to the proposed expansion or replacement of any permitted landfill by the permit holder, and shall not apply to any rubbish disposal facilities, transfer stations, land application sites, composting facilities, solid waste processing facilities, chipping/mulching facilities, industrial/institutional/special waste landfills, industrial/institutional/special waste rubbish sites, waste tire processing facilities, commercial waste tire collection sites, local government waste tire collection sites or generator waste tire collection sites, and none of those facilities, stations, landfills or sites shall be counted as a landfill within a county for the purpose of determining whether a referendum election is required to be conducted in the county as provided in this section.

SECTION 3. The following shall be codified as Section 17-17-237, Mississippi Code of 1972:

17-17-237. (1) No new municipal solid waste landfill shall be incorporated into any solid waste management plan and no reference in any existing plan to any unpermitted new municipal solid waste landfill shall be effective, applicable or operative

and no permit, grant or loan shall be approved for any new municipal solid waste landfill in any county that has two (2) or more existing permitted municipal solid waste landfills and such new landfill will be located within a five (5) mile radius of an existing municipal solid waste landfill, unless a local referendum election has been called and held in the county in which the new municipal solid waste landfill is proposed and with the results hereinafter provided. The board of supervisors may require the proponent of or applicant for the new municipal solid waste landfill to pay the costs of the election.

(2) Upon presentation and filing of a proper petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county, it shall be the duty of the board of supervisors to call an election at which there shall be submitted to the qualified electors of the county the question of whether or not the new municipal solid waste landfill proposed to be sited within the county shall be eligible for consideration by the board of supervisors for inclusion in the solid waste management plan of the county. Such election shall be held and conducted by the county election commissioners on a date fixed by the order of the board of supervisors, which date shall not be more than sixty (60) days from the date of the filing of said petition. Notice thereof shall be given by publishing such notice once each week

for at least three (3) consecutive weeks in some newspaper published in said county or, if no newspaper be published therein, by such publication in a newspaper in an adjoining county and having a general circulation in the county involved. The election shall be held not earlier than fifteen (15) days from the first publication of such notice.

(3) The election shall be held and conducted as far as may be possible in the same manner as is provided by law for the holding of general elections. The ballots used thereat shall contain a brief statement of the proposition submitted and, on separate lines, the words "I vote FOR new municipal solid waste landfill in _____ County ( )", "I vote AGAINST new municipal solid waste landfill in _____ County ( )" with appropriate boxes in which the voters may express their choice. All qualified electors may vote by marking the ballot with a cross (x) or check mark(✓) opposite the words of their choice.

(4) The election commissioners shall canvass and determine the results of the election, and shall certify same to the board of supervisors which shall adopt and spread upon its minutes an order declaring such results. If, in such election, sixty percent (60%) of the qualified electors participating therein shall vote in favor of the proposition, inclusion of the proposed new municipal solid waste landfill in a solid waste management plan and permitting of such landfill

may be approved provided that all other requirements of law are satisfied as to the landfill. If, on the other hand, sixty percent (60%) of the qualified electors participating therein shall not vote in favor of the proposition, the new landfill may not be included in any solid waste management plan and shall not be permitted. In either case, no further election shall be held in a county under the provisions of this section for a period of two (2) years from the date of the prior election and then only upon the filing of a petition requesting same signed by at least twenty percent (20%) or fifteen hundred (1,500), whichever number is the lesser, of the qualified electors of the county as is otherwise provided herein.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 955

Description: Abandoned mobile homes; establish a procedure to dispose of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/18	Approved by Governor

Code Section: A 019-0003-0085

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Yancey

Title: AN ACT TO ESTABLISH A PROCEDURE FOR THE DISPOSITION OF ABANDONED MANUFACTURED OR MOBILE HOMES AND ASSOCIATED PERSONAL PROPERTY; TO PROVIDE DEFINITIONS; TO PROVIDE FOR A COMPLAINT FOR DISPOSITION OF ABANDONED MANUFACTURED OR MOBILE HOMES; TO PROVIDE FOR THE ENTRY OF AN ORDER BY THE COURT NAMING A COMMISSIONER TO HANDLE THE DISPOSITION AND SETTING THE DATE AND TIME OF THE SALE; TO PROVIDE FOR ADVERTISEMENT AND PROCEDURES FOR THE SALE; TO PROVIDE FOR PAYMENT OF DEBT AND EXERCISE OF POSSESSION; TO PROVIDE FOR DISBURSEMENT OF BID AMOUNT BY THE COMMISSIONER; TO PROVIDE FOR ENTRY OF A FINAL ORDER AND SUBMISSION OF THE BILL OF SALE TO THE MISSISSIPPI

DEPARTMENT OF REVENUE; TO PROVIDE THAT THIS PROCEEDING IS A GOOD FAITH DEFENSE OF THE OWNER OF REAL PROPERTY TO CLAIMS OF WRONGFUL SALE; TO AMEND SECTION 19-3-85, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Yancey To: Ways and Means

HOUSE BILL NO. 955

AN ACT TO ESTABLISH A PROCEDURE FOR THE DISPOSITION OF ABANDONED MANUFACTURED OR MOBILE HOMES AND ASSOCIATED PERSONAL PROPERTY; TO PROVIDE DEFINITIONS; TO PROVIDE FOR A COMPLAINT FOR DISPOSITION OF ABANDONED MANUFACTURED OR MOBILE HOMES; TO PROVIDE FOR THE ENTRY OF AN ORDER BY THE COURT NAMING A COMMISSIONER TO HANDLE THE DISPOSITION AND SETTING THE DATE AND TIME OF THE SALE; TO PROVIDE FOR ADVERTISEMENT AND PROCEDURES FOR THE SALE; TO PROVIDE FOR PAYMENT OF DEBT AND EXERCISE OF POSSESSION; TO PROVIDE FOR DISBURSEMENT OF BID AMOUNT BY THE COMMISSIONER; TO PROVIDE FOR ENTRY OF A FINAL ORDER AND SUBMISSION OF THE BILL OF SALE TO THE MISSISSIPPI DEPARTMENT OF REVENUE; TO PROVIDE THAT THIS PROCEEDING IS A GOOD FAITH DEFENSE OF THE OWNER OF REAL PROPERTY TO CLAIMS OF WRONGFUL SALE; TO AMEND SECTION 19-3-85, MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Definitions. As used in this act, unless the context clearly indicates otherwise:

(a) "Abandoned" means that no person is occupying the manufactured home or mobile home at the present, nor has any person occupied it for the past sixty (60) days, nor has the owner or any representative of the owner informed the community owner or landowner of a reason that the manufactured home or mobile home is not occupied.

(b) "Abandoned manufactured or mobile home" means a manufactured home or mobile home that has been abandoned for at least sixty (60) consecutive days, located on property owned by another community owner or landowner.

(c) "Associated personal property" means any personal property excluding motor vehicles located within or adjacent to the abandoned manufactured or mobile home.

(d) "Commissioner" shall mean a resident of the county where the abandoned manufactured or mobile home is located who, by a sale order issued by a court in a proceeding, shall act pursuant to the sale order, including, but not limited to, advertising the sale, receiving funds paid at any sale ordered by the court of the abandoned manufactured or mobile home and associated personal property, and making all disbursements arising out of the sale with the sale being conducted by the sheriff. The commissioner need not be a disinterested third party and may be counsel or a representative of the community owner or landowner and shall not be disqualified, nor shall the acts of such person be invalid because of the relationship of such person to the community owner or landowner.

(e) "Community" means a contiguous residential real estate development operated by a community owner as one (1) development consisting of six (6) or more lots for lease to the public where at least one (1) of such lots is vacant and may be subject to a lease, lease-purchase or other agreement with the

owner of a manufactured or mobile home who may locate such owner's manufactured or mobile home on the lot.

(f) "Community owner" means a person other than the owner of the manufactured or mobile home who owns fee simple or ground leasehold interest in residential real property developed and operated as a community on which an abandoned manufactured or mobile home and any associated personal property is located pursuant to a lease, lease-purchase or other agreement.

(g) "Complaint" means the pleading filed by the community owner or landowner in the proceeding seeking a judicial sale of an abandoned manufactured or mobile home and associated personal property.

(h) "Date of abandonment" means the date on which the community owner or landowner determines that the manufactured or mobile home and associated personal property may be in fact have been vacated by the owner in a manner that may lead to an abandonment.

(i) "Final order" means the final order entered by a court in a proceeding adjudicating the disposition of an abandoned manufactured or mobile home and associated personal property, that confirms the sale of the abandoned manufactured or mobile home and associated personal property or makes other adjudications as deemed appropriate by the court.

(j) "Inventory" means an itemized list of associated personal property with an estimate of value for the sum and not

individual component parts of all associated personal property located within or adjacent to a manufactured or mobile home by a disinterested third party with items of like kind being grouped together for inventory purposes.

(k) "Last known address" shall mean the last known address of the owner of an abandoned manufactured or mobile home or any forwarding address or emergency contact address known to the community owner or landowner.

(l) "Lien" means an interest, other than a lien for the payment of taxes, on or against an abandoned manufactured home or mobile home or associated personal property imposed by law or by written instrument providing for an indebtedness or obligation of a person secured in a manner that in the event of a default provides the lienholder a right to recover the manufactured home or mobile home or associated personal property or title thereto using lawful means.

(m) "Lienholder" means any person holding a lien on an abandoned manufactured home or mobile home or associated personal property.

(n) "Manufactured home" shall have the meaning set forth in Section 75-49-3(a), Mississippi Code of 1972.

(o) "Mobile home" shall have the meaning set forth in Section 75-49-3(b), Mississippi Code of 1972.

(p) "Necessary party" shall mean the owner, any lienholder, or any other person known to have a lien or claim upon

the abandoned manufactured or mobile home or associated personal property except the following who are not to be a party to the proceeding to dispose of the abandoned manufactured or mobile home or associated personal property: any commissioner appointed by the court, County Tax Assessor, County Tax Collector, County Board of Supervisors, County Sheriff or any Deputy Sheriff, State Tax Commission of the State of Mississippi and the Department of Revenue of the State of Mississippi.

(q) "Notice of abandonment" shall mean a written notice by the community owner or landowner to the owner notifying the owner at least thirty (30) days after the date of abandonment that the manufactured or mobile home and any associated personal property in or adjacent to the abandoned manufactured home or mobile home should be immediately removed or be subject to a judicial finding of abandonment which may lead to a sale of the abandoned manufactured or mobile home and all associated personal property.

(r) "Notice of sale" shall mean the notice advertising the sale of the abandoned manufactured or mobile home.

(s) "Owner" of a manufactured home or mobile home means the person holding legal title to the manufactured home or mobile home.

(t) "Person" means any individual, firm, corporation, partnership, association or other type of business entity.

(u) "Proceeding" shall mean the civil action filed or to be filed in a court of competent jurisdiction depending upon the amount in controversy being the Justice Court, County Court or Chancery Court of the State of Mississippi in the county where the manufactured or mobile home is located seeking relief including the disposition of the abandoned manufactured or mobile home and associated personal property.

(v) "Purchaser" shall mean the successful bidder at the sale of the abandoned manufactured or mobile home and associated personal property who purchases the same.

(w) "Sale order" means an interim order in the proceeding authorizing the sale of the abandoned manufactured or mobile home and associated personal property and addressing other matters in the discretion of the court.

(x) "Sheriff" means the sheriff (or any deputy sheriff appointed by the sheriff) of the county where the abandoned manufactured or mobile home and any associated personal property is located.

(y) "Title" means the writing evidencing ownership by the owner of a manufactured home or mobile home.

(z) "Uninhabitable" means an abandoned manufactured or mobile home where, in the opinion of an independent third party who is an appraiser, contractor or other person familiar with cost of repair of manufactured or mobile homes, the cost to repair to the home to a condition where it is habitable for human occupation

as a residence considering the health, safety and general welfare of the occupant, is more than the cost of demolition and removal of the abandoned manufactured or mobile home.

(aa) "Value" in the case of an abandoned manufactured or mobile home shall mean the estimated fair market value of the abandoned manufactured home or mobile home from an independent third party based upon: (i) a written statement from an appraiser or other person familiar with such values; or (ii) a recognized national publisher of values of manufactured homes or mobile homes; provided, however, that if the abandoned manufactured or mobile home is uninhabitable the value shall be based upon a written estimate from a third party of demolition and removal of the abandoned manufactured or mobile home. "Value" in the case of an inventory of personal property means the estimate of the fair market value of the personal property of the owner within or adjacent to an abandoned manufactured home or mobile home based upon similar values that an individual might use in claiming a deduction for United States Income Tax purposes for a charitable contribution of used personal property to a qualified charitable organization for charitable purposes including estimated consignment or thrift shop values for the lot.

SECTION 2. Complaint for disposition of abandoned manufactured or mobile homes. Any community owner or landowner, his agent or attorney, may initiate a proceeding by filing a complaint under oath for the disposition of an abandoned

manufactured or mobile home and associated personal property, setting forth:

(a) A statement that the abandoned manufactured home or mobile home is abandoned, including the address and county where it is abandoned and the date when it was vacated by the owner in a manner that the community owner or landowner believes led to an abandonment.

(b) A description of the abandoned manufactured home or mobile home, including all reasonably available information as to the year, make, model number and serial number.

(c) A copy of the notice of abandonment sent by the community owner or landowner to the owner at the owner's last known address, on a date at least thirty (30) days after the date of abandonment and at least thirty (30) days before the commencement of the proceeding, and any response thereto.

(d) The value of the abandoned manufactured home or mobile home.

(e) A statement as to whether or not the abandoned manufactured home or mobile home is believed to be uninhabitable and, if so, the statement of the person making such determination and the bid of the person establishing the cost of demolition and removal, which may be one and the same person.

(f) An inventory of any personal property within or adjacent to the abandoned manufactured home or mobile home and a statement of value.

(g) A statement as to the current, delinquent or other status of the personal property taxes on the home.

(h) A statement as to known or presumed owner of the abandoned manufactured or mobile home and the last known address of the owner.

(i) A statement as to the known or presumed liens and lienholders of the abandoned manufactured or mobile home and associated personal property and the amount of such liens.

(j) A statement as to whether the property owner has knowledge of any other person having or asserting a lien or claim upon the abandoned manufactured or mobile home.

(k) A statement that, in addition to the manufactured or mobile home being abandoned, the owner is in breach of a lease, lease-purchase or agreement with the community owner or landowner of the lot on which the manufactured or mobile home is situated and setting out the damages incurred by the community owner or landowner, including any credit for a security or other deposit by the owner.

(l) A statement requesting that a commissioner be appointed for the public sale of the abandoned manufactured or mobile home and designating the proposed commissioner by name, address and phone number.

(m) A statement identifying all necessary parties who shall be made defendants and served with process in the time and manner required by law.

(n) Such other statements as may be appropriate under the circumstances.

SECTION 3. Filing of complaint constitutes consent by the community owner or landowner to a temporary easement for removal of the manufactured or mobile home and associated personal property. The filing of a complaint by the community owner or landowner shall constitute consent by the community owner or landowner to the purchaser receiving a Bill of Sale from the sheriff exercising an implied temporary easement to remove the manufactured or mobile home and associated personal property in a reasonable manner and for a reasonable time following the entry of the final order. Such purchaser shall repair any damage to the real property caused by such removal leaving the real property in an unreasonable condition and such purchaser shall be liable to the community owner or landowner for unreasonable damage to the real property.

SECTION 4. Entry of an order naming the commissioner and setting the date and time of the sale. Upon finding that the manufactured or mobile home and associated personal property that are the subject of the complaint are in fact abandoned and have not been claimed and the indebtedness of the community owner or landowner has not been paid in full, the court shall enter an order adjudicating whether or not the manufactured or mobile home is uninhabitable, approving the inventory, approving the sale by the sheriff of the abandoned manufactured or mobile home and the

associated personal property as reflected on the inventory and setting a date, time and place for the sale, with the advertisement, determination of liens and financial responsibility for the sale to be the responsibility of the commissioner appointed by the court.

SECTION 5. Oath of commissioner. Before the commissioner enters upon the discharge of the commissioner's duties, the commissioner shall take and subscribe an oath before some competent officer, and shall file a copy of the same in the proceeding, that the commissioner will honestly, faithfully and impartially advertise the sale, receive the highest bid, disburse the same and file a report as to such disbursement required by law, and perform the duties required of a commissioner to the best of the commissioner's skill, knowledge and judgment.

SECTION 6. Advertisement for the sale. The commissioner shall advertise a notice of sale by publication and posting. The notice of sale shall be published one (1) time a week for three (3) weeks prior to the sale in a newspaper published in the county where the manufactured or mobile home is located, or, if none such paper is so published in said county, in some paper having a general circulation therein. The notice of sale shall be posted by the commissioner at the courthouse of the county where the abandoned manufactured or mobile home is located. The notice of sale shall contain a detailed description of the abandoned manufactured or mobile home and a general description of the

associated personal property to be sold and the date, time and place of the sale. Upon request, the commissioner shall provide the inventory to any interested person. The commissioner shall mail a copy of the notice of sale by United States mail postage prepaid to the last known address of the owner as shown in the complaint if the owner has not appeared as a party to the proceeding.

SECTION 7. Procedure for the sale. The sale shall be made at the place, on the date and during the time set by the court. The sheriff shall conduct the sale and shall charge a reasonable fee for conducting the sale with the fee to be applied to the sheriff's operating fund. The abandoned manufactured or mobile home and associated personal property shall be sold for cash to the highest bidder. Each bidder shall submit a bid in at least a minimum amount that will pay the sheriff's fee, the tax collector for any past due taxes, the lien creditors in their order of priority and all costs of court and commissioner's fees. The community owner or landowner may purchase at any sale, and any such sale shall not be invalid because of the relationship of such purchaser to the community owner or landowner or any lienholder. The community owner or landowner and any lienholder may credit bid by deducting the amount due to such bidder from the bidder's bid. The highest bid accepted by the sheriff at the sale shall be paid to the commissioner. The sheriff, promptly upon completion of the sale, shall deliver to the commissioner a report of the sale,

including a copy of the notice of sale authorizing the sale of the abandoned manufactured or mobile home and a list of the associated personal property sold along with the same, the total amount paid, the name of the commissioner to whom it was paid, the name of the sheriff conducting the sale and the name of the person to whom the sale was made. The sheriff shall execute and deliver a bill of sale to the purchaser who shall be the highest bidder with the commissioner to witness the bill of sale. The signature by the sheriff and the commissioner to the bill of sale is a certification by them that the sale was conducted pursuant to the sale order and to the highest bidder for cash. The bill of sale may be conditioned upon the entry by the court of the final order. If there is no bidder at the sale, the sheriff's fees shall be paid by the community owner or landowner with such costs to be assessed as costs of court, upon filing of proof of payment of the same in the proceeding. If there is no bid, the community owner or landowner may seek a new sale order providing for another sale of the manufactured or mobile home and associated personal property.

SECTION 8. Payment of debt and exercise of possession. Any interested party may, at any time before a sale is made under the terms and provisions of the sale order, stop a threatened sale of a manufactured or mobile home by paying the amount due to the community owner or landowner on the amount actually past due rather than any amount accelerated, along with all accrued costs,

attorneys' fees, commissioners' fees, sheriffs' fees, such taxes due and not paid, with proper interest and penalties thereon. Any such payment or payments shall reinstate, according to the terms of the agreement with the community owner or landowner, the amount so accelerated, the same as if such amount had not been accelerated or put in default.

SECTION 9. Disbursement of bid amount by commissioner. The commissioner shall disburse the bid proceeds as follows: first, to the sheriff for the sheriff's fee; second, to the tax collector for any past due taxes, liens and assessments; third, to the lien creditors in their order of priority; fourth, to the community owner or landowner for the indebtedness, interest and attorney's fees owed thereto and all costs of court and commissioner's fees; and fifth, to the owner, or if the abandoned manufactured or mobile home was adjudicated by the sale order as uninhabitable, then to the community owner or landowner in the amount of the estimate of demolition and removal. If the owner has appeared in the proceeding or was served with process other than by publication, any amount to be paid to the owner and not paid directly to the owner may be paid by interpleading the same with the clerk of court where the proceeding is pending for the benefit of the owner. If the owner has not appeared in the proceeding and service of process was obtained by publication, then the commissioner shall pay the same to the Treasurer of the State of Mississippi as unclaimed funds on such forms as may be prescribed

by the Treasurer. The commissioner shall have the right to delay disbursement of the bid amount until the court has entered a final order.

SECTION 10. Entry of a final order. Upon the commissioner filing a report with the court attaching a copy of the sheriff's report of the sale and a list of the actual or proposed disbursements from the accepted bid, the court may enter a final order approving the sale and the disbursement of the proceeds from the accepted bid and include such other provisions as deemed appropriate by the court. The court may enter any other order finally disposing of the proceeding, including an order of dismissal.

SECTION 11. Submission to the Department of Revenue. The purchaser shall submit a copy of the Bill of Sale and the Final Order to the Department of Revenue along with such forms as may be prescribed by it for the issuance of a new title to the purchaser.

SECTION 12. Good faith defense of owner of real property to claims of wrongful sale of a manufactured or mobile home and associated personal property. A community owner or landowner who believes in good faith that the manufactured or mobile home and associated personal property that was the subject of a proceeding to dispose of the same was in fact abandoned shall not be liable for any damages whatsoever to the owner or a lienholder or other interested person arising from the proceedings provided the owner served process by publication to all unknown persons having an

interest in the manufactured or mobile home and associated personal property.

SECTION 13. Section 19-3-85, Mississippi Code of 1972, is amended as follows:

19-3-85. The board of supervisors of any county, upon the receipt or recovery of any lost, stolen, abandoned or misplaced personal property by the sheriff or other law enforcement officers of the county, shall cause to be posted, in three (3) public places in the county, notice that such property has been received or recovered. Such notice shall contain an accurate and detailed description of such property and, if the board of supervisors is advised as to who owns the property, a copy of the notice shall be mailed to such person or persons in addition to being posted as required in this section. The owner may recover the property by filing a claim with the board of supervisors and establishing his right to the property. The board may require bond of the person claiming the property before delivering it to him. Parties having adverse claims to the property may proceed according to law.

If no person claims the property within one hundred twenty (120) days from the date the notice is given, the board of supervisors shall cause the property to be sold at public auction to the highest bidder for cash after first posting notice of the sale in three (3) public places in the county at least ten (10) days before the date of the sale. The notice shall contain a detailed and accurate description of the property to be sold and

shall be addressed to the unknown owners or other persons interested in the property to be sold. The notice shall also set forth the date, time and place the sale is to be conducted and shall designate the sheriff to make the sale.

However, lost, stolen, abandoned or misplaced motor vehicles and bicycles may be sold in the manner provided in the preceding paragraph after the expiration of ninety (90) days from their receipt or recovery by law enforcement officers of the county.

The sheriff, promptly upon completion of the sale, shall deliver to the chancery clerk a copy of the notice authorizing the sale, a list of the property sold, the amount paid for each item, the person to whom each item was sold, and all monies received from such sale. The clerk then shall deposit the monies into the county treasury and the proceeds of the sale shall be first applied to the necessary costs and expenses of the sale, with the remainder to be credited to the special supplemental budget of the sheriff to be expended by the sheriff for any law enforcement purpose upon approval of the board of supervisors. The chancery clerk shall file the information concerning the sale among the other records of his office. If, within ninety (90) days after the date of the sale, any person claims to be the owner of the property sold, the board, upon satisfactory proof of ownership, shall pay to such person the amount for which the property was sold, and the board may require of such person a bond in such cases as the board deems advisable. No action shall be maintained

against the county or any of its officers or employees or the purchaser at the sale for any property sold or the proceeds therefrom after the expiration of ninety (90) days from the date of the sales as authorized in this section.

The provisions of Sections 1 through 12 of this act relating to the disposition of abandoned manufactured or mobile homes and associated personal property shall be in addition to, and shall supersede, the provisions of this section.

SECTION 14. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1018

Description: State buildings; name DPS Gulf Coast Regional Forensics Laboratory as the "Gary T. Hargrove Memorial Forensic Laboratory."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Public Property
2	02/02	(H) Title Suff Do Pass Comm Sub
3	02/10	(H) Committee Substitute Adopted
4	02/10	(H) Passed {Vote}
5	02/12	(H) Transmitted To Senate
6	02/16	(S) Referred To Public Property
7	03/02	(S) Title Suff Do Pass As Amended
8	03/09	(S) Amendment Ruled Improper
9	03/09	(S) Passed {Vote}
10	03/10	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Amendments:

[S] Committee Amendment No 1Not Germane

----- Additional Information -----

House Committee: Public Property
Senate Committee: Public Property

Principal Author: Haney

Title: AN ACT TO NAME THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY'S GULF COAST REGIONAL FORENSICS LABORATORY, LOCATED IN BILOXI, HARRISON COUNTY, MISSISSIPPI, THE "GARY T. HARGROVE MEMORIAL FORENSICS LABORATORY"; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC SAFETY TO ERECT THE PROPER LETTERING OR SIGNAGE ON THE OUTDOOR FACADE OF THE BUILDING DISPLAYING THE OFFICIAL NAME

AS THE "GARY T. HARGROVE MEMORIAL FORENSICS LABORATORY"; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1018

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Haney To: Public Property

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1018

AN ACT TO NAME THE MISSISSIPPI DEPARTMENT OF PUBLIC SAFETY'S GULF COAST REGIONAL FORENSICS LABORATORY, LOCATED IN BILOXI, HARRISON COUNTY, MISSISSIPPI, THE "GARY T. HARGROVE MEMORIAL FORENSICS LABORATORY"; TO REQUIRE THE DEPARTMENT OF FINANCE AND ADMINISTRATION IN CONJUNCTION WITH THE DEPARTMENT OF PUBLIC SAFETY TO ERECT THE PROPER LETTERING OR SIGNAGE ON THE OUTDOOR FACADE OF THE BUILDING DISPLAYING THE OFFICIAL NAME AS THE "GARY T. HARGROVE MEMORIAL FORENSICS LABORATORY"; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Mississippi Department of Public Safety's Gulf Coast Regional Forensics Laboratory, located at 16743 Mississippi Highway 67 in Biloxi, Harrison County, Mississippi, shall be named the "Gary T. Hargrove Memorial Forensics Laboratory." The Department of Finance and Administration shall prepare or have prepared a distinctive plaque, to be placed in a prominent place within the building, that states the background, accomplishments and service to the state of Mr. Gary T. Hargrove. The Department of Finance and Administration in conjunction with the Mississippi Department of Public Safety shall erect or cause to be erected proper lettering or signage on the outdoor facade of the building facing Highway 67 displaying the official name of the

building as the "Gary T. Hargrove Memorial Forensics Laboratory." Any and all funds necessary to accomplish this act will be appropriated by the Legislature for such purpose.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1034

Description: Uniform Controlled Substances Act; revise schedules.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Drug Policy
2	01/27	(H) Title Suff Do Pass
3	02/04	(H) Passed {Vote}
4	02/05	(H) Transmitted To Senate
5	02/18	(S) Referred To Drug Policy
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 041-0029-0113, A 041-0029-0115, A 041-0029-0119

----- Additional Information -----

House Committee: Drug Policy
Senate Committee: Drug Policy

Principal Author: Roberson

Title: AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972, TO INCLUDE ISOTONITAZENE, FLUALPRAZOLAM, FLUBROMAZEPAM, FLUBROMAZOLAM AND CLONAZOLAM TO SCHEDULE I BECAUSE THESE DRUGS HAVE NO LEGITIMATE MEDICAL USE AND HAVE HIGH POTENCY WITH GREAT POTENTIAL TO CAUSE HARM; TO AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO REVISE THE CHEMICAL NAME OF THIAFENTANIL; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO INCLUDE BREXANOLONE AND SOLRIAMFETOL AS SCHEDULE IV CONTROLLED SUBSTANCES BECAUSE THE FEDERAL DRUG ADMINISTRATION RECENTLY APPROVED THESE DRUGS FOR MEDICAL USE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1034

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Roberson To: Drug Policy

HOUSE BILL NO. 1034

AN ACT TO AMEND SECTION 41-29-113, MISSISSIPPI CODE OF 1972, TO INCLUDE ISOTONITAZENE, FLUALPRAZOLAM, FLUBROMAZEPAM, FLUBROMAZOLAM AND CLONAZOLAM TO SCHEDULE I BECAUSE THESE DRUGS HAVE NO LEGITIMATE MEDICAL USE AND HAVE HIGH POTENCY WITH GREAT POTENTIAL TO CAUSE HARM; TO AMEND SECTION 41-29-115, MISSISSIPPI CODE OF 1972, TO REVISE THE CHEMICAL NAME OF THIAFENTANIL; TO AMEND SECTION 41-29-119, MISSISSIPPI CODE OF 1972, TO INCLUDE BREXANOLONE AND SOLRIAMFETOL AS SCHEDULE IV CONTROLLED SUBSTANCES BECAUSE THE FEDERAL DRUG ADMINISTRATION RECENTLY APPROVED THESE DRUGS FOR MEDICAL USE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-29-113, Mississippi Code of 1972, is amended as follows:

41-29-113.

SCHEDULE I

(a) Schedule I consists of the drugs and other substances, by whatever official name, common or usual name, chemical name, or brand name designated, that is listed in this section.

(b) **Opiates.** Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts and salts of isomers, esters and

ethers, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl;

(2) Acetyl Fentanyl N-(1-phenethylpiperidin-4-yl)-N-phenylacetamide;

(3) AH-7921 (3,4-dichloro-*N*-[(1-dimethylamino) cyclohexylmethyl]benzamide);

(4) Acetylmethadol;

(5) Allylprodine;

(6) Alphacetylmethadol, except levo-alphacetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

(7) Alphameprodine;

(8) Alphamethadol;

(9) Alpha-methylfentanyl;

(10) Alpha-methylthiofentanyl;

(11) Benzethidine;

(12) Betacetylmethadol;

(13) Beta-hydroxyfentanyl;

(14) Beta-hydroxy-3-methylfentanyl;

(15) Betameprodine;

(16) Betamethadol;

(17) Betaprodine;

(18) Butyrl fentanyl (*N*-(1-phenethylpiperidin-4-yl)-*N*-phenylbutyramide);

(19) Clonitazene;

(20) Dextromoramide;

(21) Diampromide;

(22) Diethylthiambutene;

(23) Difenoxin;

(24) Dimenoxadol;

(25) Dimepheptanol;

(26) Dimethylthiambutene;

(27) Dioxaphetyl butyrate;

(28) Dipipanone;

(29) Ethylmethylthiambutene;

(30) Etonitazene;

(31) Etoxeridine;

(32) Fentanyl-related substances, meaning any substance not otherwise listed under another schedule and for which no exemption or approval is in effect under Section 505 of the Federal Food, Drug, and Cosmetic Act [21 USC 355] that is structurally related to fentanyl by one or more of the following modifications:

(A) Replacement of the phenyl portion of the phenethyl group by any monocycle, whether or not further substituted in or on the monocycle;

(B) Substitution in or on the phenethyl group with alkyl, alkenyl, alkoxyl, hydroxyl, halo, haloalkyl, amino or nitro groups;

(C) Substitution in or on the piperidine ring with alkyl, alkenyl, alkoxyl, ester, ether, hydroxyl, halo, haloalkyl, amino or nitro groups;

(D) Replacement of the aniline ring with any aromatic monocycle whether or not further substituted in or on the aromatic monocycle; and/or

(E) Replacement of the N-propionyl group by another acyl group.

Fentanyl-related substances include, but are not limited to, cyclopropyl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopropanecarboxamide); Furanyl-Fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylfuran-2-carboxamide); valeryl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylpentanamide); para-fluorobutyryl fentanyl, (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)butyramide); para-methoxybutyryl fentanyl, (N-(4-methoxyphenyl)-N-(1-phenethylpiperidin-4-yl)butyramide); para-chloroisobutyryl fentanyl, (N-(4-chlorophenyl)-N-(1-phenethylpiperidin-4-yl)isobutyramide); isobutyryl fentanyl, (N-(1-phenethylpiperidin-4-yl)-N-phenylisobutyramide);

cyclopentyl fentanyl,
(N-(1-phenethylpiperidin-4-yl)-N-phenylcyclopentanecarboxamide);
and
ocfentanil,
(N-(2-fluorophenyl)-2-methoxy-N-(1-phenethylpiperidin-4-yl)acetami
de);

(33) Furethidine;

(34) Hydroxypethidine;

(35) Isotonitazene (N,N-diethyl-2-(2-(4
isopropoxybenzyl)-5-nitro-1H-benzimidazol-1-yl)ethan-1-amine);

(* * *36) Ketobemidone (including the optical and
geometric isomers);

(* * *37) Levomoramide;

(* * *38) Levophenacylmorphan;

(* * *39) 3-methylfentanyl;

(* * *40) 3-methylthiofentanyl;

(* * *41) Morpheridine;

(* * *42) MPPP
(1-methyl-4-phenyl-4-propionoxypiperidine);

(* * *43)
N-[1-[2-hydroxy-2-(thiophen-2-yl)ethyl]piperidin-4-yl]-*N*-phenylprop
ionamide, its isomers, esters, ethers, salts and salts of isomers,
esters and ethers (other names: beta-hydroxythiofentanyl);

(* * *44) Noracymethadol;

(* * *45) Norlevorphanol;

(* * *46) Normethadone;

(* * *47) Norpipanone;

(* * *48) Para-fluorofentanyl;

(* * *49) PEPAP (1-(-2-phenethyl)-4-phenyl-4-acetoxypiperidine);

(* * *50) Phenadoxone;

(* * *51) Phenampromide;

(* * *52) Phenomorphan;

(* * *53) Phenoperidine;

(* * *54) Piritramide;

(* * *55) Proheptazine;

(* * *56) Properidine;

(* * *57) Propiram;

(* * *58) Racemoramide;

(* * *59) Thiofentanyl;

(* * *60) Tilidine;

(* * *61) Trimeperidine;

(* * *62) U-47700, 3,4-dichloro-N-[2-(dimethylamino)cyclohexyl]-N-methylbenzamide.

(c) **Opium derivatives.** Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Acetorphine;

(2) Acetyldihydrocodeine;

(3) Benzylmorphine;

(4) Codeine methylbromide;

(5) Codeine-N-Oxide;

(6) Cyprenorphine;

(7) Desomorphine;

(8) Dihydromorphine;

(9) Drotebanol;

(10) Etorphine (except hydrochloride salt);

(11) Heroin;

(12) Hydromorphinol;

(13) Methyldesorphine;

(14) Methyldihydromorphine;

(15) Monoacetylmorphine;

(16) Morphine methylbromide;

(17) Morphine methylsulfonate;

(18) Morphine-N-Oxide;

(19) Myrophine;

(20) Nicocodeine;

(21) Nicomorphine;

(22) Normorphine;

(23) Pholcodine;

(24) Thebacon.

(d) **Hallucinogenic substances.** Unless specifically excepted or unless listed in another schedule, any material, compound,

mixture or preparation which contains any quantity of the following substances, their salts, isomers (whether optical, positional, or geometric) and salts of isomers, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) Alpha-ethyltryptamine;

(2) 4-bromo-2,5-dimethoxy-amphetamine;

(3) 4-bromo-2,5-dimethoxyphenethylamine;

(4) 2,5-dimethoxyamphetamine;

(5) 2,5-dimethoxy-4-ethylamphetamine (DOET);

(6) 2,5-dimethoxy-4-(n)-propylthiophenethylamine (2C-T-7);

(7) 4-methoxyamphetamine;

(8) 5-methoxy-3,4-methylenedioxy-amphetamine;

(9) 4-methyl-2,5-dimethoxy-amphetamine;

(10) 3,4-methylenedioxy amphetamine;

(11) 3,4-methylenedioxymethamphetamine (MDMA);

(12) 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);

(13) N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy MDA, N-OHMDA, and N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine);

(14) 3,4,5-trimethoxy amphetamine;

(15) 5-methoxy-N,N-dimethyltryptamine (5-MeO-DMT);

(16) Alpha-methyltryptamine (also known as AMT);

(17) Bufotenine;

(18) Diethyltryptamine;

(19) Dimethyltryptamine;

(20) 5-methoxy-N,N-diisopropyltryptamine (5-MeO-DIPT);

(21) Ibogaine;

(22) Lysergic acid diethylamide (LSD);

(23) (A) Marijuana (Hemp as defined and regulated under Sections 69-25-201 through 69-25-221 and Cannabidiol contained in a legend drug product approved by the Federal Food and Drug Administration or obtained under Section 41-29-136 are exempt under Schedule I);

(B) Hashish;

(24) Mescaline;

(25) Parahexyl;

(26) Peyote;

(27) N-ethyl-3-piperidyl benzilate;

(28) N-methyl-3-piperidyl benzilate;

(29) Psilocybin;

(30) Psilocyn;

(31) Tetrahydrocannabinols, meaning tetrahydrocannabinols contained in a plant of the genus Cannabis (cannabis plant), as well as the synthetic equivalents of the substances contained in the cannabis plant, or in the resinous extractives of such plant, and/or synthetic substances,

derivatives, and their isomers with similar chemical structure and pharmacological activity to those substances contained in the plant such as the following:

(A) 1 cis or trans tetrahydrocannabinol;

(B) 6 cis or trans tetrahydrocannabinol;

(C) 3,4 cis or trans tetrahydrocannabinol.

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of atomic positions, are covered.)

("Tetrahydrocannabinols" excludes dronabinol and nabilone.) For purposes of this paragraph, tetrahydrocannabinols do not include hemp or hemp products regulated under Sections 69-25-201 through 69-25-221.

However, the following products are exempted from control:

(i) THC-containing industrial products made from cannabis stalks (e.g., paper, rope and clothing);

(ii) Processed cannabis plant materials used for industrial purposes, such as fiber retted from cannabis stalks for use in manufacturing textiles or rope;

(iii) Animal feed mixtures that contain sterilized cannabis seeds and other ingredients (not derived from the cannabis plant) in a formula designed, marketed and distributed for nonhuman consumption;

(iv) Personal care products that contain oil from sterilized cannabis seeds, such as shampoos, soaps, and body

lotions (if the products do not cause THC to enter the human body);

(v) Hemp as regulated under Sections 69-25-201 through 69-25-221; and

(vi) Any product derived from the hemp plant designed for human ingestion and/or consumption that is approved by the United States Food and Drug Administration;

(32) Phencyclidine;

(33) Ethylamine analog of phencyclidine (PCE);

(34) Pyrrolidine analog of phencyclidine (PHP, PCPy);

(35) Thiophene analog of phencyclidine;

(36) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine (TCPy);

(37) 4-methylmethcathinone (mephedrone);

(38) 3,4-methylenedioxypyrovalerone (MDPV);

(39) 2-(2,5-dimethoxy-4-ethylphenyl)ethanamine (2C-E);

(40) 2-(2,5-dimethoxy-4-methylphenyl)ethanamine (2C-D);

(41) 2-(4-chloro-2,5-dimethoxyphenyl)ethanamine (2C-C);

(42) 2-(4-iodo-2,5-dimethoxyphenyl)ethanamine (2C-I); or 2,5-dimethoxy-4-iodophenethylamine;

(43) 2-[4-(ethylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-2);

(44) 2-[4-(isopropylthio)-2,5-dimethoxyphenyl]ethanamine (2C-T-4);

(45) 2-(2,5-dimethoxyphenyl)ethanamine (2C-H);

(46) 2-(2,5-dimethoxy-4-nitro-phenyl)ethanamine (2C-N);

(47) 2-(2,5-dimethoxy-4-(n)-propylphenyl)ethanamine (2C-P);

(48) 3,4-methylenedioxy-N-methylcathinone(methylone);

(49) 2-(4-bromo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25B-NBOMe; 2C-B-NBOMe; 25B; Cimbi-36);

(50) 2-(4-chloro-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine (25C-NBOMe; 2C-C-NBOMe; 25C; Cimbi-82);

(51) 2-(4-iodo-2,5-dimethoxyphenyl)-N-(2-methoxybenzyl)ethanamine or N-[(2-methoxyphenyl)methyl]ethanamine (25I-NBOMe; 2C-I-NBOMe; 25I; Cimbi-5);

(52) 7-bromo-5-(2-chlorophenyl)-1,3-dihydro-2H-1, 4-benzodiazepin-2-one (also known as Phenazepam);

(53) 7-(2-chlorophenyl)-4-ethyl-13-methyl-3-thia-1,8, 11,12-tetraazatricyclo[8.3.0.0]trideca-2(6),4,7,10,12-pentaene (also known as Etizolam);

(54) Salvia divinorum;

(55) Synthetic cannabinoids. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found in any of the following chemical groups, whether or not substituted to any extent, or any of those groups which contain any synthetic cannabinoid salts, isomers, or

salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, including all synthetic cannabinoid chemical analogues in such groups:

(A) (6aR,10aR)-9-(hydroxymethyl)-6, 6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c] chromen-1-ol (also known as HU-210 or 1,1-dimethylheptyl-11-hydroxy-delta8-tetrahydrocannabinol);

(B) Naphthoylindoles and naphthylmethylindoles, being any compound structurally derived from 3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl)methane, whether or not substituted in the indole ring to any extent, or in the naphthyl ring to any extent;

(C) Naphthoylpyrroles, being any compound structurally derived from 3-(1-naphthoyl)pyrrole, whether or not substituted in the pyrrole ring to any extent, or in the naphthyl ring to any extent;

(D) Naphthylmethylindenes, being any compound structurally derived from 1-(1-naphthylmethyl)indene, whether or not substituted in the indene ring to any extent or in the naphthyl ring to any extent;

(E) Phenylacetylindoles, being any compound structurally derived from 3-phenylacetylindole, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(F) Cyclohexylphenols, being any compound structurally derived from 2-(3-hydroxycyclohexyl)phenol, whether or not substituted in the cyclohexyl ring to any extent or in the phenolic ring to any extent;

(G) Benzoylindoles, whether or not substituted in the indole ring to any extent or in the phenyl ring to any extent;

(H) Adamantoylindoles, whether or not substituted in the indole ring to any extent or in the adamantoyl ring system to any extent;

(I) Tetrahydro derivatives of cannabinol and 3-alkyl homologues of cannabinol or of its tetrahydro derivatives, except where contained in cannabis or cannabis resin;

(J) 3-Cyclopropylmethanone indole or 3-Cyclobutylmethanone indole or 3-Cyclopentylmethanone indole by substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cyclopropyl, cyclobutyl or cyclopentyl rings to any extent;

(K) Quinolinyl ester indoles, being any compound structurally derived from 1H-indole-3carboxylic acid-8-quinolinyl ester, whether or not substituted in the indole ring to any extent or the quinolone ring to any extent;

(L) 3-carboxamide-1H-indazoles, whether or not substituted in the indazole ring to any extent and substituted to any degree on the carboxamide nitrogen and

3-carboxamide-1H-indoles, whether or not substituted in the indole ring to any extent and substituted to any degree on the carboxamide nitrogen;

(M) Cycloalkanemethanone Indoles, whether or not substituted at the nitrogen atom on the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the cycloalkane ring to any extent.

(e) **Depressants.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including their salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Clonazolam, 6-(2-chlorophenyl)-1-methyl-8-nitro-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine;

(2) Flualprazolam, 8-chloro-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepine;

(3) Flubromazepam, 7-bromo-5-(2-fluorophenyl)-1,3-dihydro-2H-1,4-benzodiazepin-2-one;

(4) Flubromazolam, 8-bromo-6-(2-fluorophenyl)-1-methyl-4H-[1,2,4]triazolo[4,3-a][1,4]benzodiazepin;

(* * *5) Gamma-hydroxybutyric acid (other names include: GHB, gamma-hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);

(* * *6) Mecloqualone;

(* * *7) Methaqualone.

(f) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following central nervous system stimulants including optical salts, isomers and salts of isomers unless specifically excepted or unless listed in another schedule:

(1) Aminorex;

(2) N-benzylpiperazine (also known as BZP and 1-benzylpiperazine);

(3) Cathinone;

(4) Fenethylline;

(5) Methcathinone;

(6) 4-methylaminorex (also known as 2-amino-4-methyl-5-phenyl-2-oxazoline);

(7) N-ethylamphetamine;

(8) Any material, compound, mixture or preparation which contains any quantity of N,N-dimethylamphetamine. (Other names include: N,N,-alpha-trimethyl-benzeneethanamine and N,N-alpha-trimethylphenethylamine);

(9) **Synthetic cathinones.** (A) Unless listed in another schedule, any compound other than bupropion that is

structurally derived from 2-Amino-1-phenyl-1-propanone by modification in any of the following ways:

(i) By substitution in the phenyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted in the phenyl ring by one or more other univalent substituents;

(ii) By substitution at the 3-position with an alkyl substituent;

(iii) By substitution at the nitrogen atom with alkyl or dialkyl groups, or by inclusion of the nitrogen atom in a cyclic structure.

(B) The compounds covered in this paragraph (9) include, but are not limited to, any material, compound, mixture or preparation which contains any quantity of a synthetic cathinone found in any of the following compounds, whether or not substituted to any extent, or any of these compounds which contain any synthetic cathinone, or salts, isomers, or salts of isomers, whenever the existence of such salts, isomers or salts of isomers is possible, unless specifically excepted or listed in another schedule:

(i) 4-methyl-N-ethylcathinone ("4-MEC");

(ii) 4-methyl-alpha-pyrrolidinopropiophenone ("4-MePPP");

(iii) Alpha-pyrrolidinopentiophenone ("α-PVP");

(iv) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)butan-1-one ("butylone");

(v) 2-(methylamino)-1-phenylpentan-1-one ("pentedrone");

(vi) 1-(1,3-benzodioxol-5-yl)-2-(methylamino)pentan-1-one ("pentylone");

(vii) 4-fluoro-N-methylcathinone ("4-FMC");

(viii) 3-fluoro-N-methylcathinone ("3-FMC");

(ix) 1-(naphthalen-2-yl)-2-(pyrrolidin-1-yl)pentan-1-one ("naphyrone");

(x) Alpha-pyrrolidinobutiophenone ("α-PBP"); and

(xi) 1-(1,3-benzodioxol-5-yl)-2-(ethylamino)-pentan-1-one (N-ethylpentylone, ephylone).

SECTION 2. Section 41-29-115, Mississippi Code of 1972, is amended as follows:

41-29-115. (a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

SCHEDULE II

(b) **Substances, vegetable origin or chemical synthesis.** Unless specifically excepted or unless listed in other schedules, any of the following substances, whether produced directly or

indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone and naltrexone, but including the following:

(i) Codeine;

(ii) Dihydroetorphine;

(iii) Ethylmorphine;

(iv) Etorphine hydrochloride;

(v) Granulated opium;

(vi) Hydrocodone, whether alone or in combination with any material, compound, mixture or preparation;

(vii) Hydromorphone;

(viii) Metopon;

(ix) Morphine;

(x) Opium extracts;

(xi) Opium fluid extracts;

(xii) Oripavine;

(xiii) Oxycodone;

(xiv) Oxymorphone;

(xv) Powdered opium;

(xvi) Raw opium;

(xvii) Thebaine;

(xviii) Tincture of opium;

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (1), but not including the isoquinoline alkaloids of opium;

(3) Opium poppy and poppy straw;

(4) Coca leaves and any salt, compound, derivative, or preparation of cocaine or coca leaves, including cocaine and ecgonine and any salt, compound, derivative, isomer, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including:

(i) Decocainized coca leaves or extraction of coca leaves, which extractions do not contain cocaine or ecgonine; or

(ii) Ioflupane;

(5) Concentrate of poppy straw (the crude extract of poppy straw in either liquid, solid or powder form which contains the phenanthrene alkaloids of the opium poppy).

(c) **Opiates.** Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, whenever the existence of these isomers, esters, ethers and salts is possible within the specified chemical designation, dextrorphan and levopropoxyphene excepted:

(1) Alfentanil;

(2) Alphaprodine;

(3) Anileridine;

(4) Bezitramide;

(5) Bulk dextropropoxyphene (nondosage forms);

(6) Carfentanil;

(7) Dihydrocodeine;

(8) Diphenoxylate;

(9) Fentanyl;

(10) Isomethadone;

(11) Levo-alphacetylmethadol (levo-alpha-acetylmethadol, levomethadyl acetate, LAAM);

(12) Levomethorphan;

(13) Levorphanol;

(14) Metazocine;

(15) Methadone;

(16) Methadone-intermediate, 4-cyano-2-dimethylamino-4,4-diphenyl butane;

(17) Moramide-intermediate, 2-methyl-3-morpholino-1,1-diphenylpropane-carboxylic acid;

(18) Pethidine (meperidine);

(19) Pethidine-Intermediate-A, 4-cyano-1-methyl-4-phenylpiperidine;

(20) Pethidine-Intermediate-B, ethyl-4-phenylpiperidine-4-carboxylate;

(21) Pethidine-Intermediate-C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

(22) Phenazocine;

(23) Piminodine;

(24) Racemethorphan;

(25) Racemorphan;

(26) Remifentanil;

(27) Sufentanil;

(28) Tapentadol;

(29) Thiafentanil, * * * methyl 4-(2-methoxy-N-phenylacetamido)-1-(2-(thiophen-2-yl)ethyl)piperidine-4-carboxylate).

(d) **Stimulants.** Any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Phenmetrazine and its salts;

(3) Any substance which contains any quantity of methamphetamine, including its salts, isomers, and salts of isomers;

(4) Methylphenidate and its salts;

(5) Lisdexamfetamine, its salts, isomers and salts of isomers.

(e) **Depressants.** Unless specifically exempted or unless listed in another schedule, any material, compound, mixture, or

preparation which contains any quantity of the following substances:

(1) Amobarbital;

(2) Secobarbital;

(3) Pentobarbital;

(4) Glutethimide.

(f) **Hallucinogenic substances.**

(1) Dronabinol oral solution [(-)-delta-9-trans-tetrahydrocannabinol (delta-9-THC)];

(2) Nabilone [other names include: (+/-)-trans-3-(1,1-dimethylheptyl)-6,6a,7,8,10,10a-hexahydro-1-hydroxy-6,6-dimethyl-9H-dibenzo(b,d)pyran-9-one].

(g) **Immediate precursors.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Amphetamine and methamphetamine immediate precursor: Phenylacetone (other names include: phenyl-2-propanone; P2P; benzyl methyl ketone; and methyl benzyl ketone);

(2) Phencyclidine immediate precursors:

(i) 1-phenylcyclohexylamine;

(ii) 1-piperidinocyclohexanecarbonitrile (PCC);

(3) Fentanyl immediate precursor: 4-anilino-N-phenethyl-4-piperidine (ANPP).

(h) Any material, compound, mixture or preparation which contains any quantity of a Schedule II controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.24 or 1308.32, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 3. Section 41-29-119, Mississippi Code of 1972, is amended as follows:

41-29-119. (A) The controlled substances listed in this section are included in Schedule IV.

SCHEDULE IV

(a) **Narcotic drugs.** Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains limited quantities of the following narcotic drugs, or any salts thereof:

(1) Not more than one (1) milligram of difenoxin and not less than twenty-five (25) micrograms of atropine sulfate per dosage unit;

(2) Dextropropoxyphene, including its salts (Darvon, Darvon-N; also found in Darvon compound and Darvocet-N, etc.);

(3) 2-[(dimethylamino)methyl]-1-(3-methoxyphenyl)cyclohexanol, its salts, optical and geometric isomers and salts of these isomers (including tramadol).

(b) **Depressants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Alfaxalone;

(2) Alprazolam;

(3) Barbital;

(4) Brexanolone;

(* * *5) Bromazepam;

(* * *6) Camazepam;

(* * *7) Carisoprodol;

(* * *8) Chloral betaine;

(* * *9) Chloral hydrate;

(* * *10) Chlordiazepoxide and its salts, but does not include chlordiazepoxide hydrochloride and clidinium bromide or chlordiazepoxide and esterified estrogens;

(* * *11) Clobazam;

(* * *12) Clonazepam;

(* * *13) Clorazepate;

(* * *14) Clotiazepam;

(* * *15) Cloxazolam;

(* * *16) Delorazepam;

(* * *17) Diazepam;

(* * *18) Dichloralphenazone;

(* * *19) Estazolam;

(* * *20) Ethchlorvynol;

(* * *21) Ethinamate;

(* * *22) Ethyl loflazepate;

(* * *23) Fludiazepam;

(* * *24) Flunitrazepam;

(* * *25) Flurazepam;

(* * *26) Fospropofol;

(* * *27) Halazepam;

(* * *28) Haloxazolam;

(* * *29) Ketazolam;

(* * *30) Loprazolam;

(* * *31) Lorazepam;

(* * *32) Lormetazepam;

(* * *33) Mebutamate;

(* * *34) Medazepam;

(* * *35) Meprobamate;

(* * *36) Methohexital;

(* * *37) Methylphenobarbital;

(* * *38) Midazolam;

(* * *39) Nimetazepam;

(* * *40) Nitrazepam;

(* * *41) Nordiazepam;

(* * *42) Oxazepam;

(* * *43) Oxazolam;

(* * *44) Paraldehyde;

(* * *45) Petrichloral;

(* * *46) Phenobarbital;

(* * *47) Pinazepam;

(* * *48) Prazepam;

(* * *49) Quazepam;

(* * *50) Suvorexant;

(* * *51) Temazepam;

(* * *52) Tetrazepam;

(* * *53) Triazolam;

(* * *54) Zaleplon;

(* * *55) Zolpidem;

(* * *56) Zopiclone.

(c) Fenfluramine.

(d) **Lorcaserin.** Any material, compound, mixture, or preparation which contains any quantity of Lorcaserin, including its salts, isomers, and salts of such isomers, whenever the existence of such salts, isomers, and salts of isomers is possible.

(e) **Stimulants.** Any material, compound, mixture or preparation which contains any quantity of the following substances:

(1) Cathine ((+/-) Norpseudoephedrine);

(2) Diethylpropion;

(3) Fencamfamin;

(4) Fenproporex;

(5) Mazindol;

(6) Mefenorex;

(7) Modafinil;

(8) Pemoline (including any organometallic complexes and chelates thereof);

(9) Phentermine;

(10) Pipradrol;

(11) Sibutramine;

(12) Solriamfetol;

(* * *13) SPA ((-)-1-dimethylamino-1,2-diphenylethane).

(f) **Other substances.**

(1) Pentazocine;

(2) Butorphanol (including its optical isomers);

(3) Eluxadoline (5-[[[(2*S*)-2-amino-3-[4-aminocarbonyl)-2,6-dimethylphenyl]-1-oxopropyl][(1*S*)-1-(4-phenyl-1*H*-imidazol-2-yl)ethyl]amino]methyl]-2-methoxybenzoic acid); (including its optical isomers) and its salts, isomers, and salts of isomers.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule IV controlled substance and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1137

Description: Ad valorem tax; revise certain provisions regarding the determination of true value of land used for agricultural purposes.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	01/27	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance; Agriculture
6	02/25	(S) DR - TSDP: FI To AG
7	03/02	(S) Title Suff Do Pass
8	03/09	(S) Passed {Vote}
9	03/10	(S) Returned For Enrolling
10	03/11	(H) Enrolled Bill Signed
11	03/12	(S) Enrolled Bill Signed
12	03/18	Approved by Governor

Code Section: A 027-0035-0050

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance, Agriculture

Principal Author: Lamar

Title: AN ACT TO AMEND SECTION 27-35-50, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS REGARDING USE OF AN INCOME CAPITALIZATION APPROACH AS A CRITERIA FOR THE CALCULATION OF TRUE VALUE FOR LAND USED FOR AGRICULTURAL PURPOSES; TO PROVIDE THAT GOVERNMENT PAYMENTS AND CROP INSURANCE INDEMNITIES SHALL NOT BE INCLUDED IN DETERMINING THE TRUE VALUE OF LAND USED FOR AGRICULTURAL PURPOSES AND THAT A CHARGE FOR CROP MANAGEMENT EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF A CROP'S ESTIMATED VARIABLE COST, MACHINERY OWNERSHIP COST, AND

GENERAL FARM OVERHEAD COST, SHALL BE DEDUCTED IN DETERMINING THE TRUE VALUE OF SUCH LAND; TO PROVIDE THAT THE FACT THAT LAND IS LEASED FOR HUNTING OR FISHING PURPOSES SHALL NOT PRECLUDE THE LAND FROM BEING DEEMED TO BE USED FOR AGRICULTURAL PURPOSES; TO PROVIDE THAT INCOME DERIVED FROM A HUNTING OR FISHING LEASE MAY BE USED IN COMBINATION WITH OTHER RELEVANT CRITERIA TO DETERMINE THE TRUE VALUE OF LAND; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1137

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Lamar To: Ways and Means

HOUSE BILL NO. 1137

AN ACT TO AMEND SECTION 27-35-50, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN PROVISIONS REGARDING USE OF AN INCOME CAPITALIZATION APPROACH AS A CRITERIA FOR THE CALCULATION OF TRUE VALUE FOR LAND USED FOR AGRICULTURAL PURPOSES; TO PROVIDE THAT GOVERNMENT PAYMENTS AND CROP INSURANCE INDEMNITIES SHALL NOT BE INCLUDED IN DETERMINING THE TRUE VALUE OF LAND USED FOR AGRICULTURAL PURPOSES AND THAT A CHARGE FOR CROP MANAGEMENT EQUAL TO TWENTY-FIVE PERCENT OF THE SUM OF A CROP'S ESTIMATED VARIABLE COST, MACHINERY OWNERSHIP COST, AND GENERAL FARM OVERHEAD COST, SHALL BE DEDUCTED IN DETERMINING THE TRUE VALUE OF SUCH LAND; TO PROVIDE THAT THE FACT THAT LAND IS LEASED FOR HUNTING OR FISHING PURPOSES SHALL NOT PRECLUDE THE LAND FROM BEING DEEMED TO BE USED FOR AGRICULTURAL PURPOSES; TO PROVIDE THAT INCOME DERIVED FROM A HUNTING OR FISHING LEASE MAY BE USED IN COMBINATION WITH OTHER RELEVANT CRITERIA TO DETERMINE THE TRUE VALUE OF LAND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-35-50, Mississippi Code of 1972, is amended as follows:

27-35-50. (1) True value shall mean and include, but shall not be limited to, market value, cash value, actual cash value, proper value and value for the purposes of appraisal for ad valorem taxation.

(2) With respect to each and every parcel of property subject to assessment, the tax assessor shall, in ascertaining

true value, consider whenever possible the income capitalization approach to value, the cost approach to value and the market data approach to value, as such approaches are determined by the Department of Revenue. For differing types of categories of property, differing approaches may be appropriate. The choice of the particular valuation approach or approaches to be used should be made by the assessor upon a consideration of the category or nature of the property, the approaches to value for which the highest quality data is available, and the current use of the property.

(3) Except as otherwise provided in subsection (4) of this section, in determining the true value of land and improvements thereon, factors to be taken into consideration are the proximity to navigation; to a highway; to a railroad; to a city, town, village or road; and any other circumstances that tend to affect its value, and not what it might bring at a forced sale but what the owner would be willing to accept and would expect to receive for it if he were disposed to sell it to another able and willing to buy.

(4) (a) In arriving at the true value of all Class I and Class II property and improvements, the appraisal shall be made according to current use, regardless of location.

(b) In arriving at the true value of any land used for agricultural purposes, the appraisal shall be made according to its use on January 1 of each year, regardless of its location; in

making the appraisal, the assessor shall use soil types, productivity and other criteria set forth in the land appraisal manuals of the Department of Revenue, which criteria shall include, but not be limited to, an income capitalization approach with a capitalization rate of not less than ten percent (10%) and a moving average of not more than ten (10) years; however, for the year 2022 and thereafter, the moving average for such land, except land devoted to the production of timber, shall be as follows: for the year 2022, four (4) years; for the year 2023, five (5) years; for the year 2024, six (6) years; for the year 2025, seven (7) years; for the year 2026, eight (8) years; for the year 2027, nine (9) years; and for the year 2028 and thereafter, ten (10) years. However, for the year 1990, the moving average shall not be more than five (5) years; for the year 1991, not more than six (6) years; for the year 1992, not more than seven (7) years; for the year 1993, not more than eight (8) years; and for the year 1994, not more than nine (9) years; and for the year 1990, the variation up or down from the previous year shall not exceed twenty percent (20%) and thereafter, the variation, up or down, from a previous year shall not exceed ten percent (10%) through the year 2018; and for the year 2019 and thereafter, the variation, up or down, from a previous year shall not exceed four percent (4%). Government payments and crop insurance indemnities shall not be included in determining the true value of such land, and a charge for management of each crop equal to twenty-five

percent (25%) of the sum of a crop's estimated variable cost, machinery ownership cost, and general farm overhead cost, shall be deducted in determining the true value of such land. The land shall be deemed to be used for agricultural purposes when it is devoted to the commercial production of crops and other commercial products of the soil, including, but not limited to, the production of fruits and timber or the raising of livestock and poultry; however, enrollment in the federal Conservation Reserve Program or in any other United States Department of Agriculture conservation program or the fact that the land is leased for hunting or fishing purposes shall not preclude land being deemed to be used for agricultural purposes solely on the ground that the land is not being devoted to the production of commercial products of the soil, and income derived from participation in the federal program or income derived from a hunting or fishing lease may be used in combination with other relevant criteria to determine the true value of such land. The true value of aquaculture shall be determined in the same manner as that used to determine the true value of row crops.

(c) In determining the true value based upon current use, no consideration shall be taken of the prospective value such property might have if it were put to some other possible use.

(d) In arriving at the true value of affordable rental housing, the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such

procedure shall prescribe that the appraisal shall be made according to actual net operating income attributable to the property, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital for commercial real estate in the geographical market in which the affordable rental housing is located adjusted for the enhanced risk that any recorded land use regulation places on the net operating income from the property. The owner of affordable rental housing shall provide to the county tax assessor on or before April 1 of each year, an accurate statement of the actual net operating income attributable to the property for the immediately preceding year prepared in accordance with generally acceptable accounting principles. As used in this paragraph:

(i) "Affordable rental housing" means residential housing consisting of one or more rental units, the construction and/or rental of which is subject to Section 42 of the Internal Revenue Code (26 USC 42), the Home Investment Partnership Program under the Cranston-Gonzalez National Affordable Housing Act (42 USC 12741 et seq.), the Federal Home Loan Banks Affordable Housing Program established pursuant to the Financial Institutions Reform, Recovery and Enforcement Act (FIRREA) of 1989 (Public Law 101-73), or any other federal, state or similar program intended to provide affordable housing to persons of low or moderate income and the

occupancy and maximum rental rates of such housing are restricted based on the income of the persons occupying such housing.

(ii) "Land use regulation" means a restriction imposed by an extended low-income housing agreement or other covenant recorded in the applicable land records or by applicable law or regulation restricting the maximum income of residents and/or the maximum rental rate in the affordable rental housing.

(e) In arriving at the true value of ground leases on real property leased by the Mississippi State Port at Gulfport, the assessor shall use the appraisal procedure set forth in land appraisal manuals of the Department of Revenue. Such procedure shall prescribe that the appraisal shall be made according to actual net ground rent attributable to the leased premises, capitalized at a market value capitalization rate prescribed by the Department of Revenue that reflects the prevailing cost of capital of commercial real estate in the geographical market in which the Mississippi State Port at Gulfport is located. As used in this paragraph (e):

(i) "Ground leases" means those leases of land where the Mississippi State Port at Gulfport is the landlord and a person or business entity is the tenant.

(ii) "Ground rent" means the rent paid to the Mississippi State Port at Gulfport in a set amount for a specific length of tenancy where the amount of rent may be adjusted from time to time based upon market indices, such as the consumer price

index. Ground rent does not include percentage rent and rent based on improvements or any other type of rental payment.

(iii) "Percentage rent" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon revenue generated by the tenant by virtue of the ground lease.

(iv) "Rent based on improvements" means the rent paid to the Mississippi State Port at Gulfport that is calculated based upon investments in improvements to the leased premises made by tenant.

(5) The true value of each class of property shall be determined annually.

(6) The Department of Revenue shall have the power to adopt, amend or repeal such rules or regulations in a manner consistent with the Constitution of the State of Mississippi to implement the duties assigned to the department in this section.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1177

Description: General laws and journals of legislative sessions; copies of not provided to certain recipients of unless specifically requested.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(H) Referred To Appropriations
2	02/02	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/03	(H) Immediate Release
6	02/03	(H) Transmitted To Senate
7	02/17	(S) Referred To Accountability, Efficiency, Transparency
8	03/01	(S) Title Suff Do Pass
9	03/09	(S) Passed {Vote}
10	03/10	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 001-0005-0007

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Read

Title: AN ACT TO AMEND SECTION 1-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICE OF THE SECRETARY OF STATE SHALL NOT PROVIDE COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS OF EACH SESSION OF THE LEGISLATURE FOR LEGISLATIVE COMMITTEE MEETING ROOMS IN THE NEW CAPITOL UNLESS SPECIFICALLY REQUESTED IN WRITING BY THE CLERK OF THE HOUSE OR THE SECRETARY OF THE SENATE FOR THE COMMITTEE ROOMS OF THEIR RESPECTIVE

HOUSE; TO PROVIDE THAT ANY OTHER RECIPIENT OF THE GENERAL LAWS AND JOURNALS LISTED IN THIS SECTION MAY WAIVE THE RECEIPT OF THE GENERAL LAWS, JOURNALS OR BOTH BY WRITTEN REQUEST TO THE OFFICE OF THE SECRETARY OF STATE; TO DELETE THE AUTHORITY FOR THE LEGISLATIVE SERVICES OFFICES OF THE HOUSE AND SENATE TO RECEIVE ADDITIONAL COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS; TO PROVIDE THAT COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS SHALL BE PROVIDED TO THE LEGISLATIVE PEER COMMITTEE; TO CREATE NEW SECTION 23-17-42, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO INSERT INTO THE CONSTITUTION PROPOSED CHANGES, ALTERATIONS OR AMENDMENTS PROPOSED TO THE CONSTITUTION BY INITIATIVE OF THE PEOPLE OR LEGISLATIVE ALTERNATIVE IN THE SAME WAY THAT THE SECRETARY OF STATE INSERTS INTO THE CONSTITUTION PROPOSED CHANGES, ALTERATIONS OR AMENDMENTS PROPOSED TO THE CONSTITUTION THAT ARE PASSED BY THE LEGISLATURE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1177

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Read To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1177

AN ACT TO AMEND SECTION 1-5-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE OFFICE OF THE SECRETARY OF STATE SHALL NOT PROVIDE COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS OF EACH SESSION OF THE LEGISLATURE FOR LEGISLATIVE COMMITTEE MEETING ROOMS IN THE NEW CAPITOL UNLESS SPECIFICALLY REQUESTED IN WRITING BY THE CLERK OF THE HOUSE OR THE SECRETARY OF THE SENATE FOR THE COMMITTEE ROOMS OF THEIR RESPECTIVE HOUSE; TO PROVIDE THAT ANY OTHER RECIPIENT OF THE GENERAL LAWS AND JOURNALS LISTED IN THIS SECTION MAY WAIVE THE RECEIPT OF THE GENERAL LAWS, JOURNALS OR BOTH BY WRITTEN REQUEST TO THE OFFICE OF THE SECRETARY OF STATE; TO DELETE THE AUTHORITY FOR THE LEGISLATIVE SERVICES OFFICES OF THE HOUSE AND SENATE TO RECEIVE ADDITIONAL COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS; TO PROVIDE THAT COPIES OF THE GENERAL LAWS, JOURNALS AND LOCAL AND PRIVATE LAWS SHALL BE PROVIDED TO THE LEGISLATIVE PEER COMMITTEE; TO CREATE NEW SECTION 23-17-42, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO INSERT INTO THE CONSTITUTION PROPOSED CHANGES, ALTERATIONS OR AMENDMENTS PROPOSED TO THE CONSTITUTION BY INITIATIVE OF THE PEOPLE OR LEGISLATIVE ALTERNATIVE IN THE SAME WAY THAT THE SECRETARY OF STATE INSERTS INTO THE CONSTITUTION PROPOSED CHANGES, ALTERATIONS OR AMENDMENTS PROPOSED TO THE CONSTITUTION THAT ARE PASSED BY THE LEGISLATURE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 1-5-7, Mississippi Code of 1972, is amended as follows:

1-5-7. (1) The Office of the Secretary of State shall distribute and transmit, free of cost, the general laws and

journals of each session of the Legislature, as follows: One (1) volume of each to the following: Governor, Lieutenant Governor, Secretary of State, Attorney General, State Auditor, State Treasurer, Clerk of the Supreme Court, the Court of Appeals; Mississippi State University, Mississippi University for Women, Alcorn State University, University of Southern Mississippi, Delta State University, Jackson State University, Mississippi Valley State University, University of Mississippi and University of Mississippi School of Law; the sheriff of each county for the county law library; each member of the Legislature; the Secretary of the Senate; the Clerk of the House; each attorney employed in the Legislative Services Offices of the House of Representatives and the Senate; each legislative committee meeting room in the New Capitol; the Legislative Reference Bureau; the Legislative Budget Office; the Legislative PEER Committee; the Department of Archives and History; and the Library of Congress at Washington, D.C.

The copies of the general laws and journals to be provided to each sheriff, member of the Legislature and * * * the attorneys employed in the Legislative Services Offices of the House and Senate under this subsection (1) shall not be provided unless specifically requested by such sheriff, legislator or attorney in writing, and the copies to be provided for legislative committee meeting rooms in the New Capitol shall not be provided unless specifically requested in writing by the Clerk of the House or the Secretary of the Senate for the committee rooms of their

respective house. Any other recipient of the general laws and journals listed in this subsection (1) may waive the receipt of the general laws, journals or both by written request to the Office of the Secretary of State.

(2) The Office of the Secretary of State shall provide, free of cost, one (1) volume of the local and private laws to each attorney employed in the Legislative Services Offices of the House of Representatives and the Senate; each legislative committee meeting room in the New Capitol; * * * the Legislative Reference Bureau; * * * and the Legislative PEER Committee.

The copies of the local and private laws to be provided * * * to the attorneys employed in the Legislative Services Offices of the House and Senate under this subsection (2) shall not be provided unless specifically requested by such attorney in writing, and the copies to be provided for legislative committee meeting rooms in the New Capitol shall not be provided unless specifically requested in writing by the Clerk of the House or the Secretary of the Senate for the committee rooms of their respective house.

* * *

SECTION 2. The following shall be codified as Section 23-17-42, Mississippi Code of 1972:

23-17-42. When a proposed change, alteration or amendment proposed to the Constitution by initiative of the people or legislative alternative receives the required number of votes as

provided in Section 273(8), Mississippi Constitution of 1890, the Secretary of State shall insert the proposed change, alteration or amendment into the Constitution by proclamation of his or her office certifying that the proposed change, alteration or amendment to the Constitution received the required number of votes as provided in Section 273(8), Mississippi Constitution of 1890. The Secretary of State shall also designate the article number and section number or numbers for the proposed change, alteration or amendment in the Constitution if the article number and section number or numbers are not provided in the initiative of the people or legislative alternative.

SECTION 3. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

House Bill 1195

Description: Electric bicycles; regulate.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Transportation
2	01/26	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/17	(S) Referred To Judiciary, Division A
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/12	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 017-0017-0403, A 021-0037-0003, A 027-0019-0003, A 027-0051-0005, A 063-0003-0103, A 063-0015-0003, A 063-0017-0055, A 063-0017-0155, A 063-0019-0003, A 063-0021-0005, A 063-0031-0003

----- Additional Information -----

House Committee: Transportation
Senate Committee: Judiciary, Division A

Principal Author: McGee

Title: AN ACT TO CREATE NEW SECTION 63-3-1315, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REGULATION OF ELECTRIC BICYCLES; TO AMEND SECTIONS 17-17-403, 21-37-3, 27-19-3, 27-51-5, 63-3-103, 63-15-3, 63-17-55, 63-17-155, 63-19-3, 63-21-5 AND 63-31-3, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative McGee To: Transportation

HOUSE BILL NO. 1195

AN ACT TO CREATE NEW SECTION 63-3-1315, MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE REGULATION OF ELECTRIC BICYCLES; TO AMEND SECTIONS 17-17-403, 21-37-3, 27-19-3, 27-51-5, 63-3-103, 63-15-3, 63-17-55, 63-17-155, 63-19-3, 63-21-5 AND 63-31-3, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The following shall be codified as Section 63-3-1315, Mississippi Code of 1972:

63-3-1315. (1) Except as specifically provided otherwise, an electric bicycle or an operator of an electric bicycle shall be afforded all the rights and privileges, and be subject to all of the duties, of a bicycle or the rider of a bicycle. An electric bicycle is a vehicle to the same extent as a bicycle.

(2) An electric bicycle or a person operating an electric bicycle is not subject to the provisions of this code relating to financial responsibility, driver's licenses, registration, certificates of title, off-road vehicles, dirt bikes, all-terrain vehicles and license plates. An electric bicycle is not a motor vehicle.

(3) On and after January 1, 2022, manufacturers and distributors of electric bicycles shall apply a label that is permanently affixed, in a prominent location, to each electric bicycle. The label shall contain the classification number, top assisted speed, and motor wattage of the electric bicycle, and shall be printed in Arial font in at least 9-point type.

(4) A person shall not tamper with or modify an electric bicycle so as to change the motor-powered speed capability or engagement of an electric bicycle, unless the label indicating the classification required in subsection (3) of this section is replaced after modification.

(5) An electric bicycle shall comply with the equipment and manufacturing requirements for bicycles adopted by the United States Consumer Product Safety Commission (16 C.F.R. part 1512).

(6) An electric bicycle shall operate in a manner so that the electric motor is disengaged or ceases to function when the rider stops pedaling or when the brakes are applied.

(7) An electric bicycle may be ridden in places where bicycles are permitted, including but not limited to, streets, highways, roadways, bicycle lanes, and bicycle or multi-use paths. Following notice and a public hearing, a municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 1 electric bicycle or class 2 electric bicycle on that path, if it finds that

such a restriction is needed for safety reasons or compliance with other laws or legal obligations.

A municipality, local authority or state agency having jurisdiction over a bicycle or multi-use path may prohibit the operation of a class 3 electric bicycle on that path.

This subsection (7) shall not apply to a trail that is specifically designated as nonmotorized and that has a natural surface tread that is made by clearing and grading the native soil with no added surfacing materials. A municipality, local authority or state agency having jurisdiction over a trail described in this subsection may regulate the use of an electric bicycle on that trail.

(8) No person under the age of sixteen (16) may operate a class 3 electric bicycle. A person under the age of sixteen (16) may ride as a passenger on a class 3 electric bicycle that is designed to accommodate passengers.

(9) All class 3 electric bicycles must be equipped with a speedometer that displays the speed the bicycle is traveling in miles per hour.

SECTION 2. Section 17-17-403, Mississippi Code of 1972, is amended as follows:

17-17-403. The following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Commission" means the Commission on Environmental Quality.

(b) "Collection contractor" means a person approved by the department and used by a county, municipality or multicounty agency to operate a household hazardous waste collection and management program.

(c) "Department" means the Department of Environmental Quality.

(d) "Household hazardous waste" means any waste that would be considered hazardous under the Solid Wastes Disposal Law of 1974, Section 17-17-1 et seq., Mississippi Code of 1972, or any rules and regulations promulgated thereto, but for the fact that it is produced in quantities smaller than those regulated under that law or regulations and is generated by persons not otherwise covered by that law or regulations.

(e) "Motor vehicle" means an automobile, motorcycle, truck, trailer, semitrailer, truck tractor and semitrailer combination, farm equipment or any other vehicle operated on the roads of this state, used to transport persons or property, and propelled by power other than muscular power, but does not include traction engines, road rollers, earth movers, graders, loaders and other similar construction equipment requiring oversized tires, any vehicles which run only upon a track, bicycles, electric bicycles or mopeds. For purposes of this article, "farm equipment" means any vehicle which uses tires having the following

designations: I-1, I-2, I-3, R-1, R-2, R-3, F-1, F-2 and Farm Highway Service.

(f) "Small business" means any commercial establishment not regulated under the Resource Conservation and Recovery Act of 1976 (Public Law 94-580, 42 USCS 6901 et seq.), as amended or regulations promulgated thereto.

(g) "Small quantity waste tire generator" means any private individual generating twenty-five (25) or fewer waste tires annually, or a tire retail outlet, automotive mechanic shop or other commercial or governmental entity that generates ten (10) or fewer waste tires per week.

(h) "Tire" means a continuous solid or pneumatic rubber covering encircling the wheel of a motor vehicle.

(i) "Waste tire" means a whole tire that is no longer suitable for its original intended purpose because of wear, damage or defect.

(j) "Waste tire hauler" means any person engaged in the collection and/or transportation of fifty (50) or more waste tires for the purpose of storage, processing or disposal or any person transporting waste tires for compensation.

(k) "Waste tire processing facility" means a site where tires are reduced in volume by shredding, cutting, chipping or otherwise altered to facilitate recycling, resource recovery or disposal. The term includes mobile waste tire processing

equipment. Commercial enterprises processing waste tires shall not be considered solid waste management facilities.

(l) "Waste tire collection site" means a site used for the storage of one hundred (100) or more waste tires.

SECTION 3. Section 21-37-3, Mississippi Code of 1972, is amended as follows:

21-37-3. (1) Except as otherwise provided in subsection (2) of this section, the governing authorities of municipalities shall have the power to exercise full jurisdiction in the matter of streets, sidewalks, sewers, and parks; to open and lay out and construct the same; and to repair, maintain, pave, sprinkle, adorn, and light the same.

(2) Section 63-3-208 * * * shall govern the use of electric personal assistive mobility devices (as defined in Section 63-3-103) on streets and sidewalks. Section 63-3-1315 shall govern the use of electric bicycles, as defined in Section 63-3-103, on streets, sidewalks and bicycle or multi-use paths.

SECTION 4. Section 27-19-3, Mississippi Code of 1972, is amended as follows:

27-19-3. (a) The following words and phrases when used in this article for the purpose of this article have the meanings respectively ascribed to them in this section, except in those instances where the context clearly describes and indicates a different meaning:

(1) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, except devices moved by muscular power or used exclusively upon stationary rails or tracks.

(2) "Commercial vehicle" means every vehicle used or operated upon the public roads, highways or bridges in connection with any business function.

(3) "Motor vehicle" means every vehicle as defined in this section which is self-propelled, including trackless street or trolley cars. The term "motor vehicle" shall not include electric bicycles or electric personal assistive mobility devices as defined in Section 63-3-103.

(4) "Tractor" means every vehicle designed, constructed or used for drawing other vehicles.

(5) "Motorcycle" means every vehicle designed to travel on not more than three (3) wheels in contact with the ground, except electric bicycles and vehicles included within the term "tractor" as herein classified and defined.

(6) "Truck tractor" means every motor vehicle designed and used for drawing other vehicles and so constructed as to carry a load other than a part of the weight of the vehicle and load so drawn and has a gross vehicle weight (GVW) in excess of ten thousand (10,000) pounds.

(7) "Trailer" means every vehicle without motive power, designed to carry property or passengers wholly on its structure and which is drawn by a motor vehicle.

(8) "Semitrailer" means every vehicle (of the trailer type) so designed and used in conjunction with a truck tractor.

(9) "Foreign vehicle" means every motor vehicle, trailer or semitrailer, which shall be brought into the state otherwise than by or through a manufacturer or dealer for resale and which has not been registered in this state.

(10) "Pneumatic tires" means all tires inflated with compressed air.

(11) "Solid rubber tires" means every tire made of rubber other than pneumatic tires.

(12) "Solid tires" means all tires, the surface of which in contact with the highway is wholly or partly of metal or other hard, nonresilient material.

(13) "Person" means every natural person, firm, copartnership, corporation, joint-stock or other association or organization.

(14) "Owner" means a person who holds the legal title of a vehicle or in the event a vehicle is the subject of an agreement for the conditional sale, lease or transfer of the possession, the person with the right of purchase upon performance of conditions stated in the agreement, and with an immediate right of possession vested in the conditional vendee, lessee, possessor

or in the event such or similar transaction is had by means of a mortgage, and the mortgagor of a vehicle is entitled to possession, then such conditional vendee, lessee, possessor or mortgagor shall be deemed the owner for the purposes of this article.

(15) "School bus" means every motor vehicle engaged solely in transporting school children or school children and teachers to and from schools; however, such vehicles may transport passengers on weekends and legal holidays and during summer months between the terms of school for compensation when the transportation of passengers is over a route of which not more than fifty percent (50%) traverses the route of a common carrier of passengers by motor vehicle and when no passengers are picked up on the route of any such carrier.

(16) "Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having an established place of business in this state.

(17) "Highway" means and includes every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of the public for the purpose of vehicular travel, and notwithstanding that the same may be temporarily

closed for the purpose of construction, reconstruction, maintenance or repair.

(18) "State Tax Commission," "commission" or "department" means the Commissioner of Revenue of the Department of Revenue of this state, acting directly or through his duly authorized officers, agents, representatives and employees.

(19) "Common carrier by motor vehicle" means any person who or which undertakes, whether directly or by a lease or any other arrangement, to transport passengers or property or any class or classes of property for the general public in interstate or intrastate commerce on the public highways of this state by motor vehicles for compensation, whether over regular or irregular routes. The term "common carrier by motor vehicle" shall not include passenger buses operating within the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(20) "Contract carrier by motor vehicle" means any person who or which under the special and individual contract or agreements, and whether directly or by a lease or any other arrangement, transports passengers or property in interstate or intrastate commerce on the public highways of this state by motor vehicle for compensation. The term "contract carrier by motor vehicle" shall not include passenger buses operating wholly within

the corporate limits of a municipality in this state or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(21) "Private commercial and noncommercial carrier of property by motor vehicle" means any person not included in the terms "common carrier by motor vehicle" or "contract carrier by motor vehicle," who or which transports in interstate or intrastate commerce on the public highways of this state by motor vehicle, property of which such person is the owner, lessee, or bailee, other than for hire. The term "private commercial and noncommercial carrier of private property by motor vehicle" shall not include passenger buses operated wholly within the corporate limits of a municipality of this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

Haulers of fertilizer shall be classified as private commercial carriers of property by motor vehicle.

(22) "Private carrier of passengers" means all other passenger motor vehicle carriers not included in the above definitions. The term "private carrier of passengers" shall not include passenger buses operating wholly within the corporate limits of a municipality in this state, or not exceeding five (5) miles beyond the corporate limits of the municipality, and

hearses, ambulances, and school buses as such. In addition, this definition shall not include taxicabs.

(23) "Operator" means any person, partnership, joint-stock company or corporation operating on the public highways of the state one or more motor vehicles as the beneficial owner or lessee.

(24) "Driver" means the person actually driving or operating such motor vehicle at any given time.

(25) "Private carrier of property" means any person transporting property on the highways of this state as defined below:

(* * *i) Any person, or any employee of such person, transporting farm products, farm supplies, materials and/or equipment used in the growing or production of his own agricultural products in his own truck.

(* * *ii) Any person transporting his own fish, including shellfish, in his own truck.

(* * *iii) Any person, or any employee of such person, transporting unprocessed forest products, or timber harvesting equipment wherein ownership remains the same, in his own truck.

(26) "Taxicab" means any passenger motor vehicle for hire with a seating capacity not greater than ten (10) passengers. For purposes of this paragraph (26), seating capacity shall be determined according to the manufacturer's suggested seating

capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(27) "Passenger coach" means any passenger motor vehicle with a seating capacity greater than ten (10) passengers, operating wholly within the corporate limits of a municipality of this state or within five (5) miles of the corporate limits of the municipality, or motor vehicles substituted for abandoned electric railway systems in or between municipalities. For purposes of this paragraph (27), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(28) "Empty weight" means the actual weight of a vehicle including fixtures and equipment necessary for the transportation of load hauled or to be hauled.

(29) "Gross weight" means the empty weight of the vehicle, as defined herein, plus any load being transported or to be transported.

(30) "Ambulance and hearse" shall have the meaning generally ascribed to them. A hearse or funeral coach shall be

classified as a light carrier of property, as defined in Section 27-51-101.

(31) "Regular seats" means each seat ordinarily and customarily used by one (1) passenger, including all temporary, emergency, and collapsible seats. Where any seats are not distinguished or separated by separate cushions and backs, a seat shall be counted for each eighteen (18) inches of space on such seats or major fraction thereof. In the case of a regular passenger-type automobile which is used as a common or contract carrier of passengers, three (3) seats shall be counted for the rear seat of such automobile and one (1) seat shall be counted for the front seat of such automobile.

(32) "Ton" means two thousand (2,000) pounds avoirdupois.

(33) "Bus" means any passenger vehicle with a seating capacity of more than ten (10) but shall not include "private carrier of passengers" and "school bus" as defined in paragraphs (15) and (22) of this section. For purposes of this paragraph (33), seating capacity shall be determined according to the manufacturer's suggested seating capacity for a vehicle. If there is no manufacturer's suggested seating capacity for a vehicle, the seating capacity for the vehicle shall be determined according to regulations established by the Department of Revenue.

(34) "Corporate fleet" means a group of two hundred (200) or more marked private carriers of passengers or light

carriers of property, as defined in Section 27-51-101, trailers, semitrailers, or motor vehicles in excess of ten thousand (10,000) pounds gross vehicle weight, except for those vehicles registered for interstate travel, owned or leased on a long-term basis by a corporation or other legal entity. In order to be considered marked, the motor vehicle must have a name, trademark or logo located either on the sides or the rear of the vehicle in sharp contrast to the background, and of a size, shape and color that is legible during daylight hours from a distance of fifty (50) feet.

(35) "Individual fleet" means a group of five (5) or more private carriers of passengers or light carriers of property, as defined in Section 27-51-101, owned or leased by the same person and principally garaged in the same county.

(36) "Trailer fleet" means a group of fifty (50) or more utility trailers each with a gross vehicle weight of six thousand (6,000) pounds or less.

(b) (1) No lease shall be recognized under the provisions of this article unless it shall be in writing and shall fully define a bona fide relationship of lessor and lessee, signed by both parties, dated and be in the possession of the driver of the leased vehicle at all times.

(2) Leased vehicles shall be considered as domiciled at the place in the State of Mississippi from which they operate in interstate or intrastate commerce, and for the purposes of this article shall be considered as owned by the lessee, who shall

furnish all insurance on the vehicles and the driver of the vehicles shall be considered as an agent of the lessee for all purposes of this article.

SECTION 5. Section 27-51-5, Mississippi Code of 1972, is amended as follows:

27-51-5. The subject words and terms of this section, for the purpose of this chapter, shall have meanings as follows:

(a) "Motor vehicle" means any device and attachments supported by one or more wheels which is propelled or drawn by any power other than muscular power over the highways, streets or alleys of this state. The term "motor vehicle" shall not include electric bicycles and electric personal assistive mobility devices as defined in Section 63-3-103. However, mobile homes which are detached from any self-propelled vehicles and parked on land in the state are hereby expressly exempt from the motor vehicle ad valorem taxes, but house trailers which are actually in transit and which are not parked for more than an overnight stop are not exempted.

(b) "Public highway" means and includes every way or place of whatever nature, including public roads, streets and alleys of this state generally open to the use of the public or to be opened or reopened to the use of the public for the purpose of vehicular travel, notwithstanding that the same may be temporarily closed for the purpose of construction, reconstruction, maintenance, or repair.

(c) "Administrator of the road and bridge privilege tax law" means the official authorized by law to administer the road and bridge privilege tax law of this state.

SECTION 6. Section 63-3-103, Mississippi Code of 1972, is amended as follows:

63-3-103. (a) "Vehicle" means every device in, upon or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

(b) "Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power obtained from overhead trolley wires, but not operated upon rails. The term "motor vehicle" shall not include electric personal assistive mobility devices or electric bicycles.

(c) "Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground but excluding a tractor. The term "motorcycle" includes motor scooters as defined in * * * subsection (j) of this * * * section. The term "motorcycle" shall not include electric bicycles.

(d) "Authorized emergency vehicle" means every vehicle of the fire department (fire patrol), every police vehicle, every 911 Emergency Communications District vehicle, every such ambulance and special use EMS vehicle as defined in Section 41-59-3, every Mississippi Emergency Management Agency vehicle as is designated

or authorized by the Executive Director of MEMA and every emergency vehicle of municipal departments or public service corporations as is designated or authorized by the commission or the chief of police of an incorporated city.

(e) "School bus" means every motor vehicle operated for the transportation of children to or from any school, provided same is plainly marked "School Bus" on the front and rear thereof and meets the requirements of the State Board of Education as authorized under Section 37-41-1.

(f) "Recreational vehicle" means a vehicular type unit primarily designed as temporary living quarters for recreational, camping or travel use, which either has its own motive power or is mounted on or drawn by another vehicle and includes travel trailers, fifth-wheel trailers, camping trailers, truck campers and motor homes.

(g) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

(h) "Electric assistive mobility device" means a self-balancing two-tandem wheeled device, designed to transport only one (1) person, with an electric propulsion system that limits the maximum speed of the device to fifteen (15) miles per hour.

(i) "Autocycle" means a three-wheel motorcycle with a steering wheel, nonstraddle seating, rollover protection and seat belts.

(j) "Motor scooter" means a two-wheeled vehicle that has a seat for the operator, one (1) wheel that is ten (10) inches or more in diameter, a step-through chassis, a motor with a rating of two and seven-tenths (2.7) brake horsepower or less if the motor is an internal combustion engine, an engine of 50cc or less and otherwise meets all safety requirements of motorcycles. The term "motor scooter" shall not include electric bicycles.

(k) "Platoon" means a group of individual motor vehicles traveling in a unified manner at electronically coordinated speeds at following distances that are closer than would be reasonable and prudent without such coordination.

(l) "Electric bicycle" means a bicycle or tricycle equipped with fully operable pedals, a saddle or seat for the rider, and an electric motor of less than seven hundred fifty (750) watts that meets the requirements of one of the following three (3) classes:

(i) "Class 1 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(ii) "Class 2 electric bicycle" means an electric bicycle equipped with a motor that may be used exclusively to propel the bicycle, and that is not capable of providing

assistance when the bicycle reaches the speed of twenty (20) miles per hour.

(iii) "Class 3 electric bicycle" means an electric bicycle equipped with a motor that provides assistance only when the rider is pedaling, and that ceases to provide assistance when the bicycle reaches the speed of twenty-eight (28) miles per hour.

SECTION 7. Section 63-15-3, Mississippi Code of 1972, is amended as follows:

63-15-3. The following words and phrases, when used in this chapter, shall, for the purposes of this chapter, have the meanings respectively ascribed to them in this section, except in those instances where the context clearly indicates a different meaning:

(a) "Highway" means the entire width between property lines of any road, street, way, thoroughfare or bridge in the State of Mississippi not privately owned or controlled, when any part thereof is open to the public for vehicular traffic and over which the state has legislative jurisdiction under its police power.

(b) "Judgment" means any judgment which shall have become final by expiration, without appeal, of the time within which an appeal might have been perfected, or by final affirmation on appeal, rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance or use of any motor vehicle, for

damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages.

(c) "Motor vehicle" means every self-propelled vehicle (other than traction engines, road rollers and graders, tractor cranes, power shovels, well drillers, implements of husbandry, electric bicycles and electric personal assistive mobility device as defined in Section 63-3-103) which is designed for use upon a highway, including trailers and semitrailers designed for use with such vehicles, and every vehicle which is propelled by electric power obtained from overhead wires but not operated upon rails.

For purposes of this definition, "implements of husbandry" shall not include trucks, pickup trucks, trailers and semitrailers designed for use with such trucks and pickup trucks.

(d) "License" means any driver's, operator's, commercial operator's, or chauffeur's license, temporary instruction permit or temporary license, or restricted license, issued under the laws of the State of Mississippi pertaining to the licensing of persons to operate motor vehicles.

(e) "Nonresident" means every person who is not a resident of the State of Mississippi.

(f) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of Mississippi

pertaining to the operation by him of a motor vehicle, or the use of a motor vehicle owned by him, in the State of Mississippi.

(g) "Operator" means every person who is in actual physical control of a motor vehicle.

(h) "Owner" means a person who holds the legal title of a motor vehicle; in the event a motor vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this chapter.

(i) "Person" means every natural person, firm, copartnership, association or corporation.

(j) "Proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle, in the amount of Twenty-five Thousand Dollars ($25,000.00) because of bodily injury to or death of one (1) person in any one (1) accident, and subject to said limit for one (1) person, in the amount of Fifty Thousand Dollars ($50,000.00) because of bodily injury to or death of two (2) or more persons in any one (1) accident, and in the amount of Twenty-five Thousand

Dollars ($25,000.00) because of injury to or destruction of property of others in any one (1) accident. Liability insurance required under this paragraph (j) may contain exclusions and limitations on coverage as long as the exclusions and limitations language or form has been filed with and approved by the Commissioner of Insurance.

(k) "Registration" means a certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.

(l) "Department" means the Department of Public Safety of the State of Mississippi, acting directly or through its authorized officers and agents, except in such sections of this chapter in which some other state department is specifically named.

(m) "State" means any state, territory or possession of the United States, the District of Columbia, or any province of the Dominion of Canada.

SECTION 8. Section 63-17-55, Mississippi Code of 1972, is amended as follows:

63-17-55. The following words, terms and phrases, when used in the Mississippi Motor Vehicle Commission Law, shall have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) "Motor vehicle" means any motor-driven vehicle of the sort and kind required to have a Mississippi road or bridge

privilege license, and shall include, but not be limited to, motorcycles. "Motor vehicle" shall also mean an engine, transmission, or rear axle manufactured for installation in a vehicle having as its primary purpose the transport of person or persons or property on a public highway and having a gross vehicle weight rating of more than sixteen thousand (16,000) pounds, whether or not attached to a vehicle chassis. The term "motor vehicle" excludes electric bicycles.

(b) "Motor vehicle dealer" means any person, firm, partnership, copartnership, association, corporation, trust or legal entity, not excluded by paragraph (c) of this section, who holds a bona fide contract or franchise in effect with a manufacturer, distributor or wholesaler of new motor vehicles, and a license under the provisions of the Mississippi Motor Vehicle Commission Law, and such duly franchised and licensed motor vehicle dealers shall be the sole and only persons, firms, partnerships, copartnerships, associations, corporations, trusts or legal entities entitled to sell and publicly or otherwise solicit and advertise for sale new motor vehicles as such.

(c) The term "motor vehicle dealer" does not include:

(i) Receivers, trustees, administrators, executors, guardians or other persons appointed by or acting under judgment, decree or order of any court;

(ii) Public officers while performing their duties as such officers;

(iii) Employees of persons, corporations or associations enumerated in paragraph (c)(i) of this section when engaged in the specific performance of their duties as such employees; or

(iv) A motor vehicle manufacturer operating a project as defined in Section 57-75-5(f)(iv)1; and the provisions of the Mississippi Motor Vehicle Commission Law shall not apply to:

1. a. Any lease by such a motor vehicle manufacturer of three (3) or fewer motor vehicles at any one time and related vehicle maintenance, of any line of vehicle produced by the manufacturer or its subsidiaries, to any one (1) employee of the motor vehicle manufacturer on a direct basis; or

b. Any sale or other disposition of such motor vehicles by the motor vehicle manufacturer at the end of a lease through direct sales to employees of the manufacturer or through an open auction or auction limited to dealers of the manufacturer's vehicle line or its subsidiaries' vehicle lines; or

2. Any sale or other disposition by such a motor vehicle manufacturer of motor vehicles for which the manufacturer obtained distinguishing number tags under Section 27-19-309(8).

(d) "New motor vehicle" means a motor vehicle which has not been previously sold to any person except a distributor or wholesaler or motor vehicle dealer for resale.

(e) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a motor vehicle dealer purchasing in his capacity as such dealer, who in good-faith purchases such new motor vehicle for purposes other than for resale.

(f) "Retail sale" or "sale at retail" means the act or attempted act of selling, bartering, exchanging or otherwise disposing of a new motor vehicle to an ultimate purchaser for use as a consumer.

(g) "Motor vehicle salesman" means any person who is employed as a salesman by a motor vehicle dealer whose duties include the selling or offering for sale of new motor vehicles.

(h) "Commission" means the Mississippi Motor Vehicle Commission.

(i) "Manufacturer" means any person, firm, association, corporation or trust, resident or nonresident, who manufactures or assembles new motor vehicles.

(j) "Distributor" or "wholesaler" means any person, firm, association, corporation or trust, resident or nonresident, who, in whole or in part, sells or distributes new motor vehicles to motor vehicle dealers, or who maintains distributor representatives.

(k) "Factory branch" means a branch or division office maintained by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles for sale to

distributors or wholesalers, to motor vehicle dealers, or for directing or supervising, in whole or in part, its representatives.

(l) "Distributor branch" means a branch or division office similarly maintained by a distributor or wholesaler for the same purposes a factory branch or division is maintained.

(m) "Factory representative" means a representative employed by a person, firm, association, corporation or trust who manufactures or assembles new motor vehicles, or by a factory branch, for the purpose of making or promoting the sale of his, its or their new motor vehicles, or for supervising or contacting his, its or their dealers or prospective dealers.

(n) "Distributor representative" means a representative similarly employed by a distributor, distributor branch or wholesaler.

(o) "Person" means and includes, individually and collectively, individuals, firms, partnerships, copartnerships, associations, corporations and trusts, or any other forms of business enterprise, or any legal entity.

(p) "Good faith" means the duty of each party to any franchise agreement, and all officers, employees or agents franchise, to act in a fair and equitable manner toward each other in the performance of the respective obligations under the franchise agreement.

(q) "Coerce" means to compel or attempt to compel by threat or duress. However, recommendation, exposition, persuasion, urging or argument shall not be deemed to constitute coercion.

(r) "Special tools" are those which a dealer was required to purchase by the manufacturer or distributor for service on that manufacturer's product.

(s) "Motor vehicle lessor" means any person, not excluded by paragraph (c) of this section, engaged in the motor vehicle leasing or rental business.

(t) "Specialty vehicle" means a motor vehicle manufactured by a second stage manufacturer by purchasing motor vehicle components, e.g. frame and drive train, and completing the manufacturer of finished motor vehicles for the purpose of resale with the primary manufacturer warranty unimpaired, to a limited commercial market rather than the consuming public. Specialty vehicles include garbage trucks, ambulances, fire trucks, buses, limousines, hearses and other similar limited purpose vehicles as the commission may by regulation provide.

(u) "Auto auction" means (i) any person who provides a place of business or facilities for the wholesale exchange of motor vehicles by and between duly licensed motor vehicle dealers, (ii) any motor vehicle dealer licensed to sell used motor vehicles selling motor vehicles using an auction format but not on consignment, or (iii) any person who provides the facilities for

or is in the business of selling in an auction format motor vehicles.

(v) "Motor home" means a motor vehicle that is designed and constructed primarily to provide temporary living quarters for recreational, camping or travel use.

(w) "Dealer-operator" means the individual designated in the franchise agreement as the operator of the motor vehicle dealership.

(x) "Franchise" or "franchise agreement" means a written contract or agreement between a motor vehicle dealer and a manufacturer or its distributor or factory branch by which the motor vehicle dealer is authorized to engage in the business of selling or leasing the specific makes, models or classifications of new motor vehicles marketed or leased by the manufacturer and designated in the agreement or any addendum to such agreement.

(y) "Net cost" means the price the motor vehicle dealer pays for new motor vehicles, supplies, parts, equipment, signs, furnishings and special tools, minus any applicable discounts or subsidies obtained by the motor vehicle dealer.

(z) "Line or make" means a collection of models, series, or groups of motor vehicles manufactured by or for a particular manufacturer, distributor or importer offered for sale, lease or distribution pursuant to a common trademark, service mark or brand name; however:

(i) Multiple brand names or marks may constitute a single line or make, but only when included in a common motor vehicle dealer agreement and the manufacturer, distributor or importer offers such vehicles bearing the multiple names of marks together only, and not separately, to its authorized motor vehicle dealers.

(ii) Motor vehicles bearing a common brand name or mark may constitute separate line or makes when such vehicles are of different vehicle types or are intended for different types of use, provided that either:

1. The manufacturer has expressly defined or covered the subject line or makes of vehicles as separate and distinct line or makes in the applicable dealer agreements; or

2. The manufacturer has consistently characterized the subject vehicles as constituting separate and distinct line or makes to its dealer network.

(aa) "Site-control agreement" or "exclusive use agreement" means an agreement that, regardless of its name, title, form or the parties entering into it, has the effect of:

(i) Controlling the use and development of the premises of a motor vehicle dealer's franchise or facilities;

(ii) Requiring a motor vehicle dealer to establish or maintain an exclusive motor vehicle dealership facility on the premises of the motor vehicle dealer's franchise or facility;

(iii) Restricting the power or authority of the dealer or the lessor, if the motor vehicle dealer leases the dealership premises, to transfer, sell, lease, develop, redevelop or change the use of the dealership premises, whether by sublease, lease, collateral pledge of lease, right of first refusal to purchase or lease, option to purchase or lease or any similar arrangement; or

(iv) Establishing a valuation process or formula for the motor vehicle dealership premises that does not allow for the motor vehicle dealership premises to be transferred, sold or leased by the motor vehicle dealer at the highest and best use valuation for the motor vehicle dealership premises.

(bb) "Market area" means the area of responsibility set forth in the franchise agreement.

(cc) "Core parts" means those original vehicle manufacturer parts that are listed in the original vehicle manufacturer's or distributor's current parts catalog, for which there is a core charge and which are returnable to the manufacturer or distributor.

SECTION 9. Section 63-17-155, Mississippi Code of 1972, is amended as follows:

63-17-155. As used in Sections 63-17-151 through 63-17-165, the following terms shall have the following meanings:

(a) "Collateral charges" means those additional charges to a consumer which are not directly attributable to the

manufacturer's suggested retail price label for the motor vehicle. Collateral charges shall include, but not be limited to, dealer preparation charges, undercoating charges, transportation charges, towing charges, replacement car rental costs and title charges.

(b) "Comparable motor vehicle" means an identical or reasonably equivalent motor vehicle.

(c) "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, primarily used for personal, family, or household purposes, and any person to whom such motor vehicle is transferred for the same purposes during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

(d) "Express warranty" means any written affirmation of fact or promise made in connection with the sale of a motor vehicle by a supplier to a consumer which relates to the nature of the material or workmanship and affirms or promises that such material or workmanship is defect-free or will meet a specified level of performance over a specified period of time. For the purposes of Section 63-17-151 et seq., express warranties do not include implied warranties.

(e) "Manufacturer" means a manufacturer or distributor as defined in Section 63-17-55.

(f) "Motor vehicle" means a vehicle propelled by power other than muscular power which is sold in this state, is operated

over the public streets and highways of this state and is used as a means of transporting persons or property, but shall not include vehicles run only upon tracks, off-road vehicles, motorcycles, mopeds, electric bicycles, electric personal assistive mobility devices as defined in Section 63-3-103 or parts and components of a motor home which were added on and/or assembled by the manufacturer of the motor home. "Motor vehicle" shall include demonstrators or lease-purchase vehicles as long as a manufacturer's warranty was issued as a condition of sale.

(g) "Purchase price" means the price which the consumer paid to the manufacturer to purchase the motor vehicle in a cash sale or, if the motor vehicle is purchased in a retail installment transaction, the cash sale price as defined in Section 63-19-3.

SECTION 10. Section 63-19-3, Mississippi Code of 1972, is amended as follows:

63-19-3. The following words and phrases, when used in this chapter, shall have the meanings respectively ascribed to them in this section, except where the context or subject matter otherwise requires:

(a) "Motor vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of less than fifteen thousand (15,000) pounds, but shall not include electric personal assistive

mobility devices or electric bicycles as defined in Section 63-3-103.

(b) "Commercial vehicle" means any self-propelled or motored device designed to be used or used primarily for the transportation of passengers or property, or both, and having a gross vehicular weight rating of fifteen thousand (15,000) pounds or more; however, wherever "motor vehicle" appears in this chapter, except in Section 63-19-43, the same shall be construed to include commercial vehicles where such construction is necessary in order to give effect to this chapter.

(c) "Retail buyer" or "buyer" means a person who buys a motor vehicle or commercial vehicle from a retail seller, not for the purpose of resale, and who executes a retail installment contract in connection therewith.

(d) "Retail seller" or "seller" means a person who sells a motor vehicle or commercial vehicle to a retail buyer under or subject to a retail installment contract.

(e) The "holder" of a retail installment contract means the retail seller of the motor vehicle or commercial vehicle under or subject to the contract or if the contract is purchased by a sales finance company or other assignee, the sales finance company or other assignee.

(f) "Retail installment transaction" means any transaction evidenced by a retail installment contract entered into between a retail buyer and a retail seller wherein the retail

buyer buys a motor vehicle or commercial vehicle from the retail seller at a time price payable in one or more deferred installments. The cash sale price of the motor vehicle or commercial vehicle, the amount included for insurance and other benefits if a separate charge is made therefor, official fees and the finance charge shall together constitute the time price.

(g) "Retail installment contract" or "contract" means an agreement entered into in this state pursuant to which the title to or a lien upon the motor vehicle or commercial vehicle which is the subject matter of a retail installment transaction is retained or taken by a retail seller from a retail buyer as security for the buyer's obligation. The term includes a chattel mortgage, a conditional sales contract and a contract for the bailment or leasing of a motor vehicle or commercial vehicle by which the bailee or lessee contracts to pay as compensation for its use a sum substantially equivalent to or in excess of its value and by which it is agreed that the bailee or lessee is bound to become, or has the option of becoming, the owner of the motor vehicle upon full compliance with the provisions of the contract.

(h) "Cash sale price" means the price stated in a retail installment contract for which the seller would have sold to the buyer, and the buyer would have bought from the seller, the motor vehicle or commercial vehicle which is the subject matter of the retail installment contract, if such sale had been a sale for cash instead of a retail installment transaction. The cash sale

price may include any taxes, registration, certificate of title, if any, license and other fees and charges for accessories and their installation and for delivery, servicing, repairing or improving the motor vehicle or commercial vehicle.

(i) "Official fees" means the fees prescribed by law for filing, recording or otherwise perfecting and releasing or satisfying a retained title or a lien created by a retail installment contract, if recorded.

(j) "Finance charge" means the amount agreed upon between the buyer and the seller, as limited in this chapter, to be added to the aggregate of the cash sale price, the amount, if any, included for insurance and other benefits and official fees, in determining the time price.

(k) "Sales finance company" means a person engaged, in whole or in part, in the business of purchasing retail installment contracts from one or more retail sellers. The term includes, but is not limited to, a bank, trust company, private banker, industrial bank or investment company, if so engaged. The term also includes a retail seller engaged, in whole or in part, in the business of creating and holding retail installment contracts which exceed a total aggregate outstanding indebtedness of Five Hundred Thousand Dollars ($500,000.00). The term does not include the pledgee to whom is pledged one or more of such contracts to secure a bona fide loan thereon.

(l) "Person" means an individual, partnership, corporation, association and any other group however organized.

(m) "Administrator" means the Commissioner of Banking and Consumer Finance or his duly authorized representative.

(n) "Commissioner" means the Commissioner of Banking and Consumer Finance.

(o) "Records" or "documents" means any item in hard copy or produced in a format of storage commonly described as electronic, imaged, magnetic, microphotographic or otherwise, and any reproduction so made shall have the same force and effect as the original thereof and be admitted in evidence equally with the original.

Words in the singular include the plural and vice versa.

SECTION 11. Section 63-21-5, Mississippi Code of 1972, is amended as follows:

63-21-5. The following words and phrases when used in this chapter shall, for the purpose of this chapter, have the meanings respectively ascribed to them in this section except where the context clearly indicates a different meaning:

(a) "State Tax Commission" or "department" means the Department of Revenue of the State of Mississippi.

(b) "Dealer" means every person engaged regularly in the business of buying, selling or exchanging motor vehicles, trailers, semitrailers, trucks, tractors or other character of commercial or industrial motor vehicles in this state, and having

in this state an established place of business as defined in Section 27-19-303, Mississippi Code of 1972. The term "dealer" shall also mean every person engaged regularly in the business of buying, selling or exchanging manufactured housing in this state, and licensed as a dealer of manufactured housing by the Mississippi Department of Insurance.

(c) "Designated agent" means each county tax collector in this state who may perform his duties under this chapter either personally or through any of his deputies, or such other persons as the Department of Revenue may designate. The term shall also mean those "dealers" as herein defined and/or their officers and employees and other persons who are appointed by the Department of Revenue in the manner provided in Section 63-21-13, Mississippi Code of 1972, to perform the duties of "designated agent" for the purposes of this chapter.

(d) "Implement of husbandry" means every vehicle designed and adapted exclusively for agricultural, horticultural or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(e) "Vehicle identification number" means the numbers and letters on a vehicle, manufactured home or mobile home designated by the manufacturer or assigned by the Department of Revenue for the purpose of identifying the vehicle, manufactured home or mobile home.

(f) "Lien" means every kind of written lease which is substantially equivalent to an installment sale or which provides for a right of purchase; conditional sale; reservation of title; deed of trust; chattel mortgage; trust receipt; and every other written agreement or instrument of whatever kind or character whereby an interest other than absolute title is sought to be held or given on a motor vehicle, manufactured home or mobile home.

(g) "Lienholder" means any natural person, firm, copartnership, association or corporation holding a lien as herein defined on a motor vehicle, manufactured home or mobile home.

(h) "Manufactured housing" or "manufactured home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein; except that such terms shall include any structure which meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of Housing and Urban Development and complies with the standards established under the National Manufactured

Housing Construction and Safety Standards Act of 1974, 42 USCS, Section 5401.

(i) "Manufacturer" means any person regularly engaged in the business of manufacturing, constructing or assembling motor vehicles, manufactured homes or mobile homes, either within or without this state.

(j) "Mobile home" means any structure, transportable in one or more sections, which in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein and manufactured prior to June 15, 1976. Any mobile home designated as realty on or before July 1, 1999, shall continue to be designated as realty so that a security interest will be made by incorporating such mobile home in a deed of trust.

(k) "Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three (3) wheels in contact with the ground, but excluding a farm tractor and electric bicycle.

(l) "Motor vehicle" means every automobile, motorcycle, mobile trailer, semitrailer, truck, truck tractor, trailer and every other device in, upon, or by which any person or property is

or may be transported or drawn upon a public highway which is required to have a road or bridge privilege license, except such as is moved by animal power or used exclusively upon stationary rails or tracks and excepting electric bicycles.

(m) "New vehicle" means a motor vehicle, manufactured home or mobile home which has never been the subject of a first sale for use.

(n) "Used vehicle" means a motor vehicle, manufactured home or mobile home that has been the subject of a first sale for use, whether within this state or elsewhere.

(o) "Owner" means a person or persons holding the legal title of a vehicle, manufactured home or mobile home; in the event a vehicle, manufactured home or mobile home is the subject of a deed of trust or a chattel mortgage or an agreement for the conditional sale or lease thereof or other like agreement, with the right of purchase upon performance of the conditions stated in the agreement and with the immediate right of possession vested in the grantor in the deed of trust, mortgagor, conditional vendee or lessee, the grantor, mortgagor, conditional vendee or lessee shall be deemed the owner for the purpose of this chapter.

(p) "Person" includes every natural person, firm, copartnership, association or corporation.

(q) "Pole trailer" means every vehicle without motive power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole, or by being boomed or

otherwise secured to the towing vehicle, and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, boats or structural members capable generally of sustaining themselves as beams between the supporting connections.

(r) "Security agreement" means a written agreement which reserves or creates a security interest.

(s) "Security interest" means an interest in a vehicle, manufactured home or mobile home reserved or created by agreement and which secures payment or performance of an obligation. The term includes the interest of a lessor under a lease intended as security. A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exceptions.

(t) "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including, but not limited to: ditch-digging apparatus, well-boring apparatus and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes, vehicles so constructed that they exceed eight (8) feet in width and/or thirteen (13) feet six (6) inches in height, and earth-moving equipment. The term does

not include house trailers, dump trucks, truck-mounted transit mixers, cranes or shovels, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

(u) "Nonresident" means every person who is not a resident of this state.

(v) "Current address" means a new address different from the address shown on the application or on the certificate of title. The owner shall within thirty (30) days after his address is changed from that shown on the application or on the certificate of title notify the department of the change of address in the manner prescribed by the department.

(w) "Odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary instrument designed to be reset by the operator of the motor vehicle for the purpose of recording the distance traveled on trips.

(x) "Odometer reading" means the actual cumulative distance traveled disclosed on the odometer.

(y) "Odometer disclosure statement" means a statement certified by the owner of the motor vehicle to the transferee or to the department as to the odometer reading.

(z) "Mileage" means actual distance that a vehicle has traveled.

(aa) "Trailer" means every vehicle other than a "pole trailer" as defined in this chapter without motive power designed to be drawn by another vehicle and attached to the towing vehicle for the purpose of hauling goods or products. The term "trailer" shall not refer to any structure, transportable in one or more sections regardless of size, when erected on site, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems contained therein regardless of the date of manufacture.

(bb) "Salvage mobile home" or "salvage manufactured home" means a mobile home or manufactured home for which a certificate of title has been issued that an insurance company obtains from the owner as a result of paying a total loss claim resulting from collision, fire, flood, wind or other occurrence. The term "salvage mobile home" or "salvage manufactured home" does not mean or include and is not applicable to a mobile home or manufactured home that is twenty (20) years old or older.

(cc) "Salvage certificate of title" means a document issued by the department for a salvage mobile home or salvage manufactured home as defined in this chapter.

(dd) "All-terrain vehicle" means a motor vehicle that is designed for off-road use and is not required to have a motor

vehicle privilege license. The term "all-terrain vehicle" shall not include electric bicycles.

SECTION 12. Section 63-31-3, Mississippi Code of 1972, is amended as follows:

63-31-3. (1) No off-road vehicle shall be operated upon any public property by any person unless:

(a) (i) The person possesses a valid driver's license; or

(ii) The person possesses a certificate as provided under subsections (3) and (4) of this section.

(b) No person may operate any off-road vehicle upon any public property in this state unless each person under sixteen (16) years of age who is operating or riding on the off-road vehicle is wearing a crash helmet that complies with minimum guidelines established by the National Highway Traffic Safety Administration pursuant to the federal Motor Vehicle Safety Standard No. 218 (49 CFR 571.218) for helmets designed for use by motorcyclists.

(2) A violation of subsection (1) of this section is punishable by a fine of not less than Twenty-five Dollars ($25.00) nor more than Fifty Dollars ($50.00).

(3) Off-road vehicle safety courses shall be held by the Cooperative Extension Service using 4-H safety course materials and curricula, and shall be taught by instructors possessing qualifications approved by the Department of Public Safety. The

Cooperative Extension Service shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(4) Off-road vehicle safety courses may be held by any organization approved by the Department of Public Safety. Such organization shall issue a certificate to each person who satisfactorily completes the off-road vehicle safety course.

(5) For the purposes of this section:

(a) "Off-road vehicle" means any all-terrain vehicle, dirt bike or recreational off-highway vehicle. The term "off-road vehicle" shall not include electric bicycles.

(b) "All-terrain vehicle" or "ATV" means any motorized vehicle manufactured and designed exclusively for off-road use that is fifty (50) inches or less in width; has an unladen dry weight of one thousand (1,000) pounds or less; and travels on three (3), four (4) or more nonhighway tires. The term "all-terrain vehicle" shall not include electric bicycles.

(c) "Dirt bike" means a motor-powered vehicle possessing two (2) or more tires, designed to travel over any terrain and capable of travelling off of paved roads, whether or not the vehicle may be operated legally on a public street. The term "dirt bike" shall not include electric bicycles.

(d) "Recreational off-highway vehicle" means any motorized vehicle manufactured and designed exclusively for off-road use that is sixty-five (65) inches or less in width; has

an unladen dry weight of two thousand (2,000) pounds or less; and travels on four (4) or more nonhighway tires.

(6) Nothing in this section shall be construed to authorize operation of an off-road vehicle on a public road or highway of this state.

SECTION 13. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1213

Description: State Personnel Board; require exempted agencies' reports to include quantifiable data and to be sent to SPB, PEER and LBO.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H)	Referred To Accountability, Efficiency, Transparency
2	01/27	(H)	Title Suff Do Pass
3	02/04	(H)	Passed {Vote}
4	02/05	(H)	Transmitted To Senate
5	02/16	(S)	Referred To Accountability, Efficiency, Transparency
6	03/01	(S)	Title Suff Do Pass
7	03/09	(S)	Passed {Vote}
8	03/10	(S)	Returned For Enrolling
9	03/11	(H)	Enrolled Bill Signed
10	03/12	(S)	Enrolled Bill Signed
11	03/18		Approved by Governor

Code Section: A 025-0009-0127

----- Additional Information -----

House Committee: Accountability, Efficiency, Transparency
Senate Committee: Accountability, Efficiency, Transparency

Principal Author: Ladner

Title: AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH STATE AGENCY THAT IS GRANTED AN EXEMPTION FROM THE STATE PERSONNEL BOARD RULES, REGULATIONS AND PROCEDURES TO SUBMIT A COPY OF ITS ANNUAL REPORT TO THE STATE PERSONNEL BOARD, PEER COMMITTEE AND LEGISLATIVE BUDGET OFFICE; TO REQUIRE THE REPORT TO INCLUDE QUANTIFIABLE MEASURES SHOWING THAT THE EXEMPTION HAS HELPED THE AGENCY PERFORM MORE EFFICIENTLY OR EFFECTIVELY; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI HB 1213

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Representative Ladner — To: Accountability, Efficiency, Transparency

HOUSE BILL NO. 1213

AN ACT TO AMEND SECTION 25-9-127, MISSISSIPPI CODE OF 1972, TO REQUIRE EACH STATE AGENCY THAT IS GRANTED AN EXEMPTION FROM THE STATE PERSONNEL BOARD RULES, REGULATIONS AND PROCEDURES TO SUBMIT A COPY OF ITS ANNUAL REPORT TO THE STATE PERSONNEL BOARD, PEER COMMITTEE AND LEGISLATIVE BUDGET OFFICE; TO REQUIRE THE REPORT TO INCLUDE QUANTIFIABLE MEASURES SHOWING THAT THE EXEMPTION HAS HELPED THE AGENCY PERFORM MORE EFFICIENTLY OR EFFECTIVELY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-9-127, Mississippi Code of 1972, is amended as follows:

25-9-127. (1) No employee of any department, agency or institution who is included under this chapter or hereafter included under its authority, and who is subject to the rules and regulations prescribed by the state personnel system, may be dismissed or otherwise adversely affected as to compensation or employment status except for inefficiency or other good cause, and after written notice and hearing within the department, agency or institution as shall be specified in the rules and regulations of the State Personnel Board complying with due process of law; and any employee who has by written notice of dismissal or action

adversely affecting his compensation or employment status shall, on hearing and on any appeal of any decision made in such action, be required to furnish evidence that the reasons stated in the notice of dismissal or action adversely affecting his compensation or employment status are not true or are not sufficient grounds for the action taken; * * * however, * * * this provision shall not apply: (a) to persons separated from any department, agency or institution due to curtailment of funds or reduction in staff when such separation is in accordance with rules and regulations of the state personnel system; (b) during the probationary period of state service of twelve (12) months; and (c) to an executive officer of any state agency who serves at the will and pleasure of the Governor, board, commission or other appointing authority.

(2) The operation of a state-owned motor vehicle without a valid Mississippi driver's license by an employee of any department, agency or institution that is included under this chapter and that is subject to the rules and regulations of the state personnel system shall constitute good cause for dismissal of such person from employment.

(3) Beginning July 1, 1999, every male between the ages of eighteen (18) and twenty-six (26) who is required to register under the federal Military Selective Service Act, 50 USCS App. 453, and who is an employee of the state shall not be promoted to any higher position of employment with the state until he submits to the person, commission, board or agency by which he is employed

satisfactory documentation of his compliance with the draft registration requirements of the Military Selective Service Act. The documentation shall include a signed affirmation under penalty of perjury that the male employee has complied with the requirements of the Military Selective Service Act.

(4) For a period of two (2) years beginning July 1, 2014, the provisions of subsection (1) shall not apply to the personnel actions of the State Department of Education that are subject to the rules and regulations of the State Personnel Board, and all employees of the department shall be classified as nonstate service during that period. However, any employee hired after July 1, 2014, by the department shall meet the criteria of the State Personnel Board as it presently exists for employment. The State Superintendent of Public Education and the State Board of Education shall consult with the Office of the Attorney General before taking personnel actions authorized by this section to review those actions for compliance with applicable state and federal law.

It is not the intention or effect of this section to include any school attendance officer in any exemption from coverage under the State Personnel Board policy or regulations, including, but not limited to, termination and conditions of employment.

(5) (a) For a period of two (2) years beginning July 1, 2015, the provisions of subsection (1) shall not apply to the personnel actions of the Department of Corrections, and all

employees of the department shall be classified as nonstate service during that period. However, any employee hired after July 1, 2015, by the department shall meet the criteria of the State Personnel Board as it presently exists for employment.

(b) Additionally, for a period of one (1) year beginning July 1, 2016, the personnel actions of the Commissioner of the Department of Corrections shall be exempt from State Personnel Board rules, regulations and procedures in order to give the commissioner flexibility in making an orderly, effective and timely reorganization and realignment of the department.

(c) The Commissioner of Corrections shall consult with the Office of the Attorney General before personnel actions authorized by this section to review those actions for compliance with applicable state and federal law.

(6) Through July 1, 2020, the provisions of subsection (1) of this section shall not apply to the personnel actions of the Department of Human Services that are subject to the rules and regulations of the State Personnel Board, and all employees of the department shall be classified as nonstate service during that period. Any employee hired on or after July 1, 2020, by the department shall meet the criteria of the State Personnel Board as it presently exists for employment. The Executive Director of Human Services shall consult with the Office of the Attorney General before taking personnel actions authorized by this section

to review those actions for compliance with applicable state and federal law.

(7) Through July 1, 2020, the provisions of subsection (1) of this section shall not apply to the personnel actions of the Department of Child Protection Services that are subject to the rules and regulations of the State Personnel Board, and all employees of the department shall be classified as nonstate service during that period. Any employee hired on or after July 1, 2020, by the division shall meet the criteria of the State Personnel Board as it presently exists for employment. The Commissioner of Child Protection Services shall consult with the Office of the Attorney General before taking personnel actions authorized by this section to review those actions for compliance with applicable state and federal law.

(8) Any state agency whose personnel actions are exempted in this section from the rules, regulations and procedures of the State Personnel Board shall file with the State Personnel Board, Lieutenant Governor, * * * Speaker of the House of Representatives, Legislative Budget Office, Joint Legislative Committee on Performance Evaluation and Expenditure Review (PEER), and the members of the Senate and House Accountability, Efficiency and Transparency Committees an annual report no later than July 1 * * * of each year * * * while under the exemption. Such annual report shall contain the following information:

(a) The number of current employees who received an increase in salary during the past fiscal year and the amount of the increase;

(b) The number of employees who were dismissed from the agency or otherwise adversely affected as to compensation or employment status during the past fiscal year, including a description of such adverse effects; * * *

(c) The number of new employees hired during the past fiscal year and the starting salaries of each new employee * * *; and

(d) Quantifiable measures showing that the actions taken under authority of an exemption granted by this section have improved efficiency or effectiveness, or both, of the agency's operations.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1230

Description: Mississippi Development Authority; allow businesses located on tribal lands to be eligible for certain discretionary programs.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	02/02	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Finance
6	03/02	(S) Title Suff Do Pass
7	03/04	(S) Passed {Vote}
8	03/08	(S) Motion to Reconsider Entered
9	03/11	(S) Motion to Reconsider Tabled
10	03/11	(S) Returned For Enrolling
11	03/12	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 057-0001-0016, A 057-0001-0221, A 057-0093-0001

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Finance

Principal Author: Bounds
Additional Authors: Crawford

Title: AN ACT TO AMEND SECTIONS 57-1-16, 57-1-221 AND 57-93-1, MISSISSIPPI CODE OF 1972, TO ALLOW BUSINESSES LOCATED ON TRIBAL LANDS WITHIN THE GEOGRAPHICAL BOUNDARY OF MISSISSIPPI TO BE ELIGIBLE FOR MISSISSIPPI DEVELOPMENT AUTHORITY DISCRETIONARY PROGRAMS THROUGH THE ACE FUND, THE INDUSTRY INCENTIVE FINANCING REVOLVING FUND AND THE EXISTING INDUSTRY PRODUCTIVITY LOAN FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Bounds, Crawford To: Ways and Means

HOUSE BILL NO. 1230

AN ACT TO AMEND SECTIONS 57-1-16, 57-1-221 AND 57-93-1, MISSISSIPPI CODE OF 1972, TO ALLOW BUSINESSES LOCATED ON TRIBAL LANDS WITHIN THE GEOGRAPHICAL BOUNDARY OF MISSISSIPPI TO BE ELIGIBLE FOR MISSISSIPPI DEVELOPMENT AUTHORITY DISCRETIONARY PROGRAMS THROUGH THE ACE FUND, THE INDUSTRY INCENTIVE FINANCING REVOLVING FUND AND THE EXISTING INDUSTRY PRODUCTIVITY LOAN FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-1-16, Mississippi Code of 1972, is amended as follows:

57-1-16. (1) As used in this section:

(a) "Extraordinary economic development opportunity" means a new or expanded business or industry which maintains a strong financial condition and minimal credit risk and creates substantial employment, particularly in areas of high unemployment.

(b) "Local economic development entities" means state institutions of higher learning or public or private nonprofit local economic development entities including, but not limited to, chambers of commerce, local authorities, commissions or other

entities created by local and private legislation or districts created pursuant to Section 19-5-99.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is hereby created in the State Treasury a special fund to be designated as the ACE Fund, which shall consist of money from any public or private source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. The purpose of the fund shall be to assist in maximizing extraordinary economic development opportunities related to any new or expanded business or industry or to assist a local unit of government as authorized in subsection (5) of this section. Such funds may be used to make grants to local economic development entities to assist any new or expanding business or industry that meets the criteria provided in this section when such assistance aids the consummation of a project within the State of Mississippi, <u>including any federal Indian reservation located within the geographical boundary of Mississippi,</u> or to make grants to a local unit of government as authorized in subsection (5) of this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive

programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a grant program to make grants from the ACE Fund created under this section. Local economic development entities may apply to the MDA for a grant under this section in the manner provided for in subsection (4) of this section. Local units of government may apply to the MDA for a grant under this section in the manner provided in subsection (5) of this section.

(4) (a) Any business or industry desiring assistance from a local economic development entity under this section shall submit an application to the local economic development entity which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an extraordinary economic development opportunity;

(ii) A demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county;

(iii) A description, including the cost, of the requested assistance;

(iv) A description of the purpose for which the assistance is requested;

(v) A two-year business plan;

(vi) Financial statements or tax returns for the three (3) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the business or industry; and

(viii) Any other information required by the MDA.

(b) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business or industry, the local economic development entity may apply to the MDA for assistance under this section. Such application must contain evidence that the business or industry meets the definition of an extraordinary economic development opportunity, a demonstration that the business or industry is at an economic disadvantage by locating the new or expanded project in the county, a description, including the cost, of the requested

assistance, and a statement of what efforts have been made or are being made by the business or industry for securing or qualifying for other local, state, federal or private funds for the project.

(d) The MDA shall have sole discretion in the awarding of ACE funds, provided that the business or industry and the local economic development entity have met the statutory requirements of this section. However, in making grants under this section, the MDA shall attempt to provide for an equitable distribution of such grants among each of the congressional districts of this state in order to promote economic development across the entire state.

(5) (a) The MDA may make grants to local units of government to assist the local unit of government in purchasing real property for the benefit of an existing industry that commits to maintain a minimum of one thousand three hundred (1,300) jobs for a minimum of ten (10) years after the date the grant is made.

(b) Any local unit of government seeking a grant authorized under this subsection shall apply to MDA. The application shall contain such information as the MDA may require.

(c) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this subsection and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(6) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section. However, before the implementation of any such rules and regulations, they shall be submitted to a committee consisting of five (5) members of the Senate Finance Committee and five (5) members of the House of Representatives Ways and Means Committee, appointed by the respective committee chairmen.

SECTION 2. Section 57-1-221, Mississippi Code of 1972, is amended as follows:

57-1-221. (1) As used in this section:

(a) "Approved business enterprise" means any project that:

(i) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of two hundred fifty (250) new, full-time jobs with a total capital investment in the state of a minimum of Thirty Million Dollars ($30,000,000.00) in Tier 1 or Tier 2 counties;

(ii) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of one hundred fifty

(150) new, full-time jobs with a total capital investment in the state of a minimum of Fifteen Million Dollars ($15,000,000.00) in areas federally designated as low-income census tracts;

(iii) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and creates a minimum of one thousand (1,000) new, full-time jobs;

(iv) Is a manufacturer of high-end kitchen appliances having at least four hundred (400) employees working at its Mississippi facilities on January 1, 2015, and with a capital investment of at least Five Million Dollars ($5,000,000.00) made after July 1, 2014, through four (4) years after July 1, 2015, that expands in this state, including any federal Indian reservation located within the geographical boundary of this state, and retains a minimum of four hundred (400) jobs; or

(v) Locates or expands in this state, including any federal Indian reservation located within the geographical boundary of this state, with significant regional impact as determined by MDA.

(b) "MDA" means the Mississippi Development Authority.

(c) "Facility related to the project" means and includes any of the following, as they may pertain to the project:

(i) Facilities to provide potable and industrial water supply systems, sewage and waste disposal systems and water,

natural gas and electric transmission systems to the site of the project;

(ii) Building facilities and equipment necessary to operate the facility;

(iii) Rail lines;

(iv) Airports, airfields, air terminals and port facilities;

(v) Highways, streets and other roadways; and

(vi) Fire protection facilities, equipment and elevated water tanks.

(d) "Project" means any industrial, commercial, research and development, warehousing, distribution, transportation, processing, mining, United States government or tourism enterprise together with all real property required for construction, maintenance and operation of the enterprise that is approved by the MDA.

(2) (a) There is created a special fund in the State Treasury to be known as the Mississippi Industry Incentive Financing Revolving Fund which shall consist of monies from any source designated for deposit into the fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the fund shall be deposited to the credit of the fund. Except as otherwise provided, monies in the fund shall be disbursed by the Mississippi Development Authority for the purposes authorized in

subsection (3) of this section. The Mississippi Development Authority shall allocate and disburse Thirty Million Dollars ($30,000,000.00) from the fund as a grant to Mississippi State University for the construction, furnishing and equipping of a high-performance computing data center that is home to federally designated centers of computing excellence. The disbursement of such funds shall not be subject to any requirements of this section relating to grants and loans made by the Mississippi Development Authority under this section.

(b) Monies in the fund that are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds issued. Reimbursements made under this subsection shall satisfy any applicable federal tax law requirements.

(3) The MDA shall establish a program to make grants or loans from the Mississippi Industry Incentive Financing Revolving Fund to local governments, including, but not limited to, counties, municipalities, industrial development authorities and economic development districts, and approved business enterprises to construct or otherwise provide facilities related to the

project. Local governments are authorized to accept grants and enter into loans authorized under the program, and to sell, lease or otherwise dispose of a project or any property related to the project in whole or in part.

(4) (a) Except as otherwise provided in this section, any business enterprise or local government desiring a grant or loan under this section shall submit an application to the MDA which shall include, at a minimum:

(i) Evidence that the business or industry meets the definition of an approved business enterprise;

(ii) A description, including the cost, of the requested assistance;

(iii) A description of the purpose for which the assistance is requested; and

(iv) Any other information required by the MDA.

(b) Except as otherwise provided in this section, the MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(c) Upon receipt of the application from a business enterprise or local government for a grant or loan under this section, the MDA shall determine whether the enterprise meets the definition of an approved business enterprise and determine whether to provide the assistance requested in the form of a grant or a loan.

(d) Except as otherwise provided in subsection (2)(a) of this section, the MDA shall have sole discretion in providing grants or loans under this section. The terms of a grant or loan provided under this section and the manner of repayment of any loan shall be within the discretion of the MDA. Repayments of loans made under this section shall be deposited to the credit of the Mississippi Industry Incentive Financing Revolving Fund until the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00). Once the uncommitted balance in the fund reaches Fifty Million Dollars ($50,000,000.00), repayments of loans under this section shall be deposited to the credit of Fund No. 3951 in the State Treasury to pay debt service on bonds until such time as the uncommitted balance in the fund falls below Fifty Million Dollars ($50,000,000.00).

(e) The MDA shall notify the Chairman of the Senate Finance Committee and the Chairman of the House Ways and Means Committee of the approval of any grant or loan application thirty (30) days prior to the disbursement of any monies for the loan or grant from the Mississippi Industry Incentive Financing Revolving

Fund. The notification shall identify the applicant and the purposes for which the loan or grant is made.

(5) (a) Contracts, by local governments, including, but not limited to, design and construction contracts, for the acquisition, purchase, construction or installation of a project shall be exempt from the provisions of Section 31-7-13 if:

(i) The MDA finds and records such finding on its minutes, that because of availability or the particular nature of a project, it would not be in the public interest or would less effectively achieve the purposes of this section to enter into such contracts on the basis of Section 31-7-13; and

(ii) The approved business enterprise that is involved in the project concurs in such finding.

(b) When the requirements of paragraph (a) of this subsection are met:

(i) The requirements of Section 31-7-13 shall not apply to such contracts; and

(ii) The contracts may be entered into on the basis of negotiation.

(6) It is the policy of the MDA and the MDA is authorized to accommodate and support any enterprise that receives a loan under this section for a project defined in Section 17-25-23 that wishes to have a program of diversity in contracting, and/or that wishes to do business with or cause its prime contractor to do business with Mississippi companies, including those companies that are

small business concerns owned and controlled by socially and economically disadvantaged individuals. The term "socially and economically disadvantaged individuals" shall have the meaning ascribed to such term under Section 8(d) of the Small Business Act (15 USCS 637(d)) and relevant subcontracting regulations promulgated pursuant thereto; except that women shall be presumed to be socially and economically disadvantaged individuals for the purposes of this subsection.

(7) The MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, for the implementation of this section.

SECTION 3. Section 57-93-1, Mississippi Code of 1972, is amended as follows:

57-93-1. (1) As used in this section:

(a) "Existing industry" means a manufacturing enterprise that has been operating in this state, including any federal Indian reservation located within the geographical boundary of this state, for not less than two (2) consecutive years that meets minimum criteria established by the Mississippi Development Authority.

(b) "Long-term fixed assets" means assets that:

(i) Through new technology will improve an enterprise's productivity and competitiveness; and

(ii) Meet criteria established by the Mississippi Development Authority.

(c) "MDA" means the Mississippi Development Authority.

(2) (a) There is established the Mississippi Existing Industry Productivity Loan Program to be administered by the MDA for the purpose of providing loans to:

(i) Existing industries to deploy long-term fixed assets that through new technology will improve productivity and competitiveness;

(ii) Existing industries for the purchase or refinancing of land, buildings or equipment; and

(iii) Counties or incorporated municipalities to assist existing industries in deploying long-term fixed assets that through new technology will improve productivity and competitiveness and to assist existing industries through the purchase of land, buildings and equipment.

(b) (i) An existing industry that accepts a loan under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the loan is granted.

(ii) An existing industry that accepts assistance from a county or incorporated municipality through a loan made under this program shall not reduce employment by more than twenty percent (20%) through the use of the long-term fixed assets for which the assistance is granted.

(c) An existing industry desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A two-year business plan for the project;

(v) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vi) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the enterprise; and

(vii) Any other information required by the MDA.

(d) A county or incorporated municipality desiring a loan under this section must submit an application to the MDA. The application shall include:

(i) A description of the purpose for which the loan is requested;

(ii) The amount of the loan requested;

(iii) The estimated total cost of the project;

(iv) A statement showing the sources of funding for the project;

(v) A two-year business plan for the project;

(vi) Financial statements or tax returns for the existing industry for the two (2) years immediately prior to the application;

(vii) Credit reports on all persons or entities with a twenty percent (20%) or greater interest in the existing industry;

(viii) Any commitment by the existing industry to pay rental on, or to make loan repayments related to, the assistance; and

(ix) Any other information required by the MDA.

(e) The MDA shall require that binding commitments be entered into requiring that:

(i) The minimum requirements of this section and such other requirements as the MDA considers proper shall be met; and

(ii) If such requirements are not met, all or a portion of the funds provided by this section as determined by the MDA shall be repaid.

(f) The rate of interest on loans under this section shall be set by the MDA.

(g) The MDA shall have all powers necessary to implement and administer the program established under this section, and the MDA shall promulgate rules and regulations, in accordance with the Mississippi Administrative Procedures Law, necessary for the implementation of this section. However, in

making loans under this section, the MDA shall attempt to provide for an equitable distribution of such loans among each of the congressional districts of this state in order to promote economic development across the entire state.

(3) (a) There is created in the State Treasury a special fund to be designated as the "Mississippi Existing Industry Productivity Loan Fund," which shall consist of funds appropriated or otherwise made available by the Legislature in any manner and funds from any other source designated for deposit into such fund. Unexpended amounts remaining in the fund at the end of a fiscal year shall not lapse into the State General Fund, and any investment earnings or interest earned on amounts in the fund shall be deposited to the credit of the fund. Monies in the fund shall be used by the MDA for the purposes described in this section.

(b) Monies in the fund which are derived from the proceeds of general obligation bonds may be used to reimburse reasonable actual and necessary costs incurred by the MDA for the administration of the various grant, loan and financial incentive programs administered by the MDA. An accounting of actual costs incurred for which reimbursement is sought shall be maintained by the MDA. Reimbursement of reasonable actual and necessary costs shall not exceed three percent (3%) of the proceeds of bonds that are deposited into the fund. Reimbursements made under this

subsection shall satisfy any applicable federal tax law requirements.

(c) (i) There is hereby created the Mississippi Existing Industry Productivity Loan Program Bond Sinking Fund from which the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and utilized to provide loans authorized under this section, shall be repaid. Unexpended amounts remaining in the bond sinking fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the bond sinking fund shall be deposited into the bond sinking fund. At any time when the funds required to pay the principal and interest on bonds whose proceeds are deposited into the Mississippi Existing Industry Productivity Loan Fund and are utilized to provide loans under this section are more than the amount available in the bond sinking fund, the Legislature shall appropriate the balance of the funds necessary to pay the principal and interest on such bonds.

(ii) Money repaid on loans authorized under this section that are derived from the proceeds of bonds deposited into the Mississippi Existing Industry Productivity Loan Fund shall be deposited into the Mississippi Existing Industry Productivity Loan Program Bond Sinking Fund.

(4) (a) A county that receives a loan under this section shall pledge for repayment of the loan any part of the homestead

exemption annual tax loss reimbursement to which it may be entitled under Section 27-33-77. An incorporated municipality that receives a loan under this section shall pledge for repayment of the loan any part of the sales tax revenue distribution to which it may be entitled under Section 27-65-75. Each loan agreement shall provide for monthly payments, semiannual payments or other periodic payments, the annual total of which shall not exceed the annual total for any other year of the loan by more than fifteen percent (15%). The loan agreement shall provide for the repayment of all funds received within not more than twenty (20) years from the date of project completion.

(b) The State Auditor, upon request of the MDA, shall audit the receipts and expenditures of a county or an incorporated municipality whose loan payments appear to be in arrears, and if he finds that the county or municipality is in arrears in such payments, he shall immediately notify the Executive Director of the Department of Finance and Administration who shall withhold all future payments to the county of homestead exemption reimbursements under Section 27-33-77 and all sums allocated to the county or the municipality under Section 27-65-75 until such time as the county or the municipality is again current in its loan payments as certified by the MDA. In addition, the State Auditor may conduct performance and compliance audits under this chapter according to Section 7-7-211(o) and may bill the oversight agency.

(c) Evidences of indebtedness which are issued pursuant to this chapter shall not be deemed indebtedness within the meaning specified in Section 21-33-303 with regard to cities or incorporated towns, and in Section 19-9-5 with regard to counties.

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1284

Description: Department of Revenue License Tag Acquisition Fund; revise certain provisions regarding.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Appropriations
2	02/02	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/03	(H) Immediate Release
6	02/03	(H) Transmitted To Senate
7	02/17	(S) Referred To Finance
8	02/25	(S) Title Suff Do Pass
9	03/09	(S) Passed {Vote}
10	03/10	(S) Returned For Enrolling
11	03/11	(H) Enrolled Bill Signed
12	03/12	(S) Enrolled Bill Signed
13	03/17	Approved by Governor

Code Section: A 027-0019-0099, A 027-0019-0155, A 027-0019-0179

----- Additional Information -----

House Committee: Appropriations
Senate Committee: Finance

Principal Author: Read

Title: AN ACT TO AMEND SECTIONS 27-19-99 AND 27-19-155, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT OF THE MOTOR VEHICLE REGISTRATION AND TAG FEES RECEIVED BY THE DEPARTMENT OF REVENUE, THE PORTION OF THE RECEIPTS EQUAL TO THE COST OF LICENSE TAGS, DECALS AND ASSOCIATED FREIGHT COSTS SHALL BE DEPOSITED INTO THE DEPARTMENT OF REVENUE LICENSE TAG ACQUISITION FUND; TO AMEND SECTION 27-19-179, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MONIES IN THE DEPARTMENT OF REVENUE LICENSE TAG ACQUISITION

FUND MAY BE USED BY THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF PAYING THE COSTS INCURRED FOR PURCHASING LICENSE TAGS AND DECALS AND ASSOCIATED FREIGHT COSTS; TO PROVIDE THAT ALL UNEXPENDED AMOUNTS REMAINING IN THE FUND ABOVE THE SUM OF $500,000.00 AT THE END OF EACH FISCAL YEAR SHALL LAPSE INTO THE STATE GENERAL FUND; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF REVENUE LICENSE TAG FORMATIONS BE FUNDED BY APPROPRIATION OF THE LEGISLATURE FROM THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Read To: Appropriations

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1284

AN ACT TO AMEND SECTIONS 27-19-99 AND 27-19-155, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT OF THE MOTOR VEHICLE REGISTRATION AND TAG FEES RECEIVED BY THE DEPARTMENT OF REVENUE, THE PORTION OF THE RECEIPTS EQUAL TO THE COST OF LICENSE TAGS, DECALS AND ASSOCIATED FREIGHT COSTS SHALL BE DEPOSITED INTO THE DEPARTMENT OF REVENUE LICENSE TAG ACQUISITION FUND; TO AMEND SECTION 27-19-179, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT MONIES IN THE DEPARTMENT OF REVENUE LICENSE TAG ACQUISITION FUND MAY BE USED BY THE DEPARTMENT OF REVENUE FOR THE PURPOSE OF PAYING THE COSTS INCURRED FOR PURCHASING LICENSE TAGS AND DECALS AND ASSOCIATED FREIGHT COSTS; TO PROVIDE THAT ALL UNEXPENDED AMOUNTS REMAINING IN THE FUND ABOVE THE SUM OF $500,000.00 AT THE END OF EACH FISCAL YEAR SHALL LAPSE INTO THE STATE GENERAL FUND; TO AMEND SECTION 27-104-205, MISSISSIPPI CODE OF 1972, TO DELETE THE REQUIREMENT THAT THE DEPARTMENT OF REVENUE LICENSE TAG FORMATIONS BE FUNDED BY APPROPRIATION OF THE LEGISLATURE FROM THE STATE GENERAL FUND; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 27-19-99, Mississippi Code of 1972, is amended as follows:

27-19-99. (1) The Department of Revenue shall furnish the tax collector of each county a sufficient supply of license tags or plates and a sufficient supply of license receipts with which to make the collection of the taxes imposed by the provisions of this article, which such tax collectors are required to collect.

The license tag receipts shall be on forms prescribed by the department. Upon the payment of the taxes and fees required by this article, the tax collector shall issue the license receipt in the form prescribed by the department. The department shall keep account against the tax collector for the license taxes and fees collected. The tax collector shall keep a similar account.

(2) The tax collector shall, at the end of each month or within twenty (20) days thereafter, pay into the county road fund all privilege taxes collected by him during the preceding month upon motor vehicle privilege licenses which he is entitled to issue, less the county's commission.

(3) The tax collector shall keep a record of the information furnished by the owners of each motor vehicle registered. The record shall be made in numerical order by tag number or decal number, whichever is appropriate. At the end of each month, or within twenty (20) days thereafter, the tax collector shall submit to the department a copy of such record, together with the copy of each registration receipt, and shall, at the same time, remit to the department the registration fee for each license tag or decal sold by him during the preceding month. When the tax collector shall have complied with the provisions of this section and shall have forwarded to the department, within the time specified, all reports required of him hereunder, he shall then be entitled to retain five percent (5%) of the registration fees imposed in Section 27-19-43(3)(a) and (b), to be paid into the county general

fund; otherwise the county's commission shall be forfeited. The five percent (5%) shall not apply to any additional registration fee imposed above the amounts imposed in Section 27-19-43(3)(a) and (b). The department shall keep a record from the duplicates filed by the tax collectors of all registered vehicles.

(4) Counties that use their existing computer system to communicate all data regarding vehicle title and registration transactions to the state's central computer system shall be allotted Fifty Cents (50¢) for each registration fee collected by the county and remitted to the Department of Revenue. Such communication must successfully pass any edit features and successfully create or update title/registration records on the network system. This amount paid to the county shall be deposited into the county general fund to be expended only for costs incurred for the purchase of equipment, software, maintenance, or other costs directly related to the title/registration network system, and for education and training.

(5) All monies remitted to the department by tax collectors as registration or tag fees from the portion of the rate imposed in Section 27-19-43(3)(a) and (b), and all monies received by the department directly as registration or tag fees from the portion of the rate imposed in Section 27-19-43(3)(a) and (b), except as otherwise provided in subsection (7) of this section, shall be paid by the department into the General Fund of the State Treasury

on the first day of the month succeeding the month in which such fees are received by the department.

(6) Except as otherwise provided in Section 31-17-127, all monies remitted to the department by tax collectors as registration or tag fees from the additional rate of Five Dollars ($5.00) and all monies received by the department directly as registration or tag fees from the additional rate of Five Dollars ($5.00) shall be paid into the State Treasury to the credit of the State Highway Fund for the construction or reconstruction of highways designated under the highway program created under Section 65-3-97.

(7) On July 1, 2021, and on the first day of each month succeeding the month in which registration or tag fees are received by the Department of Revenue, the portion of the receipts equal to the cost of the license tags, decals and associated freight costs shall be deposited into the special fund created in Section 27-19-179.

SECTION 2. Section 27-19-155, Mississippi Code of 1972, is amended as follows:

27-19-155. The license or number tag herein provided for shall be purchased by the License Tag Commission, composed of the Governor, Commissioner of Revenue, Attorney General and the State Treasurer, upon competitive bids, after having given three (3) weeks' notice of the time and place of purchase, by publishing said notice in at least three (3) newspapers, at least one (1) of

which shall be published in the State of Mississippi, for a period of three (3) weeks prior to the date of purchase. The successful bidder shall enter into a bond with some surety company, authorized to do business in the state, as surety thereon, payable to the State of Mississippi, in a sum equal to the amount of his contract, conditioned for the faithful and prompt carrying out of said bid, and, in the event of the failure to comply with the terms of said contract, the amount of said bond shall be forfeited as liquidated damages and may be recovered by the Attorney General in any appropriate action. The License Tag Commission is hereby authorized and empowered to renegotiate any contract entered into for the purchase of license tags in order to obtain any other or additional tags necessitated by the passage of this article.

All monies received by the Department of Revenue as registration or tag fees, either from the tax collectors, or from licenses issued by the Department of Revenue, shall be paid into the State Treasury on the same day in which such funds are collected by the Department of Revenue. On July 1, 2021, and on the first day of each month succeeding the month in which registration or tag fees are received by the Department of Revenue, the portion of the receipts equal to the cost of the license tags, decals and associated freight costs shall be deposited into the special fund created in Section 27-19-179.

SECTION 3. Section 27-19-179, Mississippi Code of 1972, is amended as follows:

27-19-179. (1) There is created in the State Treasury a special fund to be designated as the "Department of Revenue License Tag Acquisition Fund." The special fund shall consist of monies deposited therein under Sections 27-19-99 and 27-19-155 and monies from any other source designated for deposit into the fund. * * * Any interest earned or investment earnings on amounts in the fund shall be deposited to the credit of the fund. At the end of fiscal year 2022 and each fiscal year thereafter, all unexpended amounts remaining in the fund above the sum of Five Hundred Thousand Dollars ($500,000.00) shall lapse into the State General Fund.

* * *

(2) From and after July 1, 2021, monies in the special fund may be used by the Department of Revenue for the purpose of paying the costs incurred for purchasing license tags and decals and associated freight costs under Section 27-19-1 et seq.

SECTION 4. Section 27-104-205, Mississippi Code of 1972, is amended as follows:

27-104-205. (1) From and after July 1, 2016, the expenses of the following enumerated state agencies shall be defrayed by appropriation of the Legislature from the State General Fund: the State Fire Marshal, the State Fire Academy, the Office of Secretary of State (not including the Preneed Contracts Loss Recovery Fund), the Mississippi Public Service Commission, the Mississippi Department of Information Technology Services, (not

including the Mississippi Department of Information Technology Services Revolving Fund), the State Personnel Board, the Mississippi Department of Insurance (not including the Municipal Fire Protection Fund, Section 83-1-37, the County Volunteer Fire Department Fund, Section 83-1-39, and the Mississippi Propane Education and Research Fund, Section 75-57-119), the Mississippi Law Enforcement Officers' Minimum Standards Board, the Mississippi Gaming Commission, * * * the Office of the State Public Defender, the Mississippi Workers' Compensation Commission (not including the Second Injury Trust Fund) and the Office of Attorney General. Beginning July 1, 2016, any fees, assessments or other revenues charged for the support of the above-named state agencies shall be deposited into the State General Fund, and any special fund or depository established within the State Treasury for the deposit of such fees, assessments or revenues shall be abolished and the balance transferred to the State General Fund. Expenses heretofore drawn from such special funds or other depositories shall be drawn from the agencies General Fund Account.

(2) Beginning with the fiscal year ending June 30, 2016, the amount to be appropriated annually from the State General Fund for the support of each of the above-named state agencies shall not exceed the amount appropriated for such purpose in the preceding fiscal year, plus any increases in or additional fees, assessments or other charges authorized by act of the Legislature for the succeeding fiscal year.

(3) The provisions of this section shall not apply to any trust fund account that is maintained by any above-named agency.

(4) The provisions of this section shall not prohibit any of the above-named agencies from maintaining clearing accounts in approved depositories.

(5) The provisions of this section shall not apply to any trust fund accounts maintained by the Public Employees' Retirement System and protected under Section 272A of the Mississippi Constitution of 1890.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1288

Description: Charter vessel operator's permit; create to authorize the sale of alcoholic beverages by the holder of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Ways and Means
2	02/02	(H) Title Suff Do Pass
3	02/03	(H) Passed {Vote}
4	02/04	(H) Transmitted To Senate
5	02/16	(S) Referred To Ports and Marine Resources
6	03/02	(S) Title Suff Do Pass
7	03/09	(S) Passed {Vote}
8	03/10	(S) Returned For Enrolling
9	03/11	(H) Enrolled Bill Signed
10	03/12	(S) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 067-0001-0051, A 027-0071-0005

----- Additional Information -----

House Committee: Ways and Means
Senate Committee: Ports and Marine Resources

Principal Author: Felsher
Additional Authors: Bennett, Zuber

Title: AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO CREATE A CHARTER VESSEL OPERATOR'S PERMIT TO AUTHORIZE THE HOLDER THEREOF TO SELL AND SERVE ALCOHOL TO THE PASSENGERS OF A CHARTER VESSEL OPERATOR; TO DEFINE A CHARTER VESSEL OPERATOR AS A COMMON CARRIER THAT IS CERTIFIED TO CARRY AT LEAST 49 PASSENGERS, OPERATES ONLY IN THE WATERS WITHIN THE STATE OF MISSISSIPPI, WHICH LIE SOUTH OF INTERSTATE-10 IN THE THREE (3) MOST SOUTHERN COUNTIES IN THE STATE OF MISSISSIPPI, EXTENDING NOT FURTHER THAN ONE (1) MILE SOUTH OF SUCH COUNTIES, AND

PROVIDES VESSEL SERVICES FOR TOURS AND CRUISES IN SUCH WATERS; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives Felsher, Bennett, Zuber To: Ways and Means

HOUSE BILL NO. 1288

AN ACT TO AMEND SECTION 67-1-51, MISSISSIPPI CODE OF 1972, TO CREATE A CHARTER VESSEL OPERATOR'S PERMIT TO AUTHORIZE THE HOLDER THEREOF TO SELL AND SERVE ALCOHOL TO THE PASSENGERS OF A CHARTER VESSEL OPERATOR; TO DEFINE A CHARTER VESSEL OPERATOR AS A COMMON CARRIER THAT IS CERTIFIED TO CARRY AT LEAST 49 PASSENGERS, OPERATES ONLY IN THE WATERS WITHIN THE STATE OF MISSISSIPPI, WHICH LIE SOUTH OF INTERSTATE-10 IN THE THREE (3) MOST SOUTHERN COUNTIES IN THE STATE OF MISSISSIPPI, EXTENDING NOT FURTHER THAN ONE (1) MILE SOUTH OF SUCH COUNTIES, AND PROVIDES VESSEL SERVICES FOR TOURS AND CRUISES IN SUCH WATERS; TO AMEND SECTION 27-71-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 67-1-51, Mississippi Code of 1972, is amended as follows:

67-1-51. (1) Permits which may be issued by the department shall be as follows:

(a) **Manufacturer's permit.** A manufacturer's permit shall permit the manufacture, importation in bulk, bottling and storage of alcoholic liquor and its distribution and sale to manufacturers holding permits under this chapter in this state and to persons outside the state who are authorized by law to purchase the same, and to sell as provided by this chapter.

Manufacturer's permits shall be of the following classes:

Class 1. Distiller's and/or rectifier's permit, which shall authorize the holder thereof to operate a distillery for the production of distilled spirits by distillation or redistillation and/or to operate a rectifying plant for the purifying, refining, mixing, blending, flavoring or reducing in proof of distilled spirits and alcohol.

Class 2. Wine manufacturer's permit, which shall authorize the holder thereof to manufacture, import in bulk, bottle and store wine or vinous liquor.

Class 3. Native wine producer's permit, which shall authorize the holder thereof to produce, bottle, store and sell native wines.

(b) **Package retailer's permit.** Except as otherwise provided in this paragraph and Section 67-1-52, a package retailer's permit shall authorize the holder thereof to operate a store exclusively for the sale at retail in original sealed and unopened packages of alcoholic beverages, including native wines, not to be consumed on the premises where sold. Alcoholic beverages shall not be sold by any retailer in any package or container containing less than fifty (50) milliliters by liquid measure. A package retailer's permit, with prior approval from the department, shall authorize the holder thereof to sample new product furnished by a manufacturer's representative or his employees at the permitted place of business so long as the

sampling otherwise complies with this chapter and applicable department regulations. Such samples may not be provided to customers at the permitted place of business. In addition to the sale at retail of packages of alcoholic beverages, the holder of a package retailer's permit is authorized to sell at retail corkscrews, wine glasses, soft drinks, ice, juices, mixers and other beverages commonly used to mix with alcoholic beverages. Nonalcoholic beverages sold by the holder of a package retailer's permit shall not be consumed on the premises where sold.

(c) **On-premises retailer's permit.** Except as otherwise provided in subsection (5) of this section, an on-premises retailer's permit shall authorize the sale of alcoholic beverages, including native wines, for consumption on the licensed premises only; however, a patron of the permit holder may remove one (1) bottle of wine from the licensed premises if: (i) the patron consumed a portion of the bottle of wine in the course of consuming a meal purchased on the licensed premises; (ii) the permit holder securely reseals the bottle; (iii) the bottle is placed in a bag that is secured in a manner so that it will be visibly apparent if the bag is opened; and (iv) a dated receipt for the wine and the meal is available. Additionally, as part of a carryout order, a permit holder may sell one (1) bottle of wine to be removed from the licensed premises for every two (2) entrees ordered. Such a permit shall be issued only to qualified hotels, restaurants and clubs, and to common carriers with adequate

facilities for serving passengers. In resort areas, whether inside or outside of a municipality, the department, in its discretion, may issue on-premises retailer's permits to such establishments as it deems proper. An on-premises retailer's permit when issued to a common carrier shall authorize the sale and serving of alcoholic beverages aboard any licensed vehicle while moving through any county of the state; however, the sale of such alcoholic beverages shall not be permitted while such vehicle is stopped in a county that has not legalized such sales. If an on-premises retailer's permit is applied for by a common carrier operating solely in the water, such common carrier must, along with all other qualifications for a permit, (i) be certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers and (ii) operate primarily in the waters within the State of Mississippi which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi and/or on the Mississippi River or navigable waters within any county bordering on the Mississippi River.

(d) **Solicitor's permit**. A solicitor's permit shall authorize the holder thereof to act as salesman for a manufacturer or wholesaler holding a proper permit, to solicit on behalf of his employer orders for alcoholic beverages, and to otherwise promote his employer's products in a legitimate manner. Such a permit shall authorize the representation of and employment by one (1)

principal only. However, the permittee may also, in the discretion of the department, be issued additional permits to represent other principals. No such permittee shall buy or sell alcoholic beverages for his own account, and no such beverage shall be brought into this state in pursuance of the exercise of such permit otherwise than through a permit issued to a wholesaler or manufacturer in the state.

(e) **Native wine retailer's permit.** Except as otherwise provided in subsection (5) of this section, a native wine retailer's permit shall be issued only to a holder of a Class 3 manufacturer's permit, and shall authorize the holder thereof to make retail sales of native wines to consumers for on-premises consumption or to consumers in originally sealed and unopened containers at an establishment located on the premises of or in the immediate vicinity of a native winery. When selling to consumers for on-premises consumption, a holder of a native wine retailer's permit may add to the native wine alcoholic beverages not produced on the premises, so long as the total volume of foreign beverage components does not exceed twenty percent (20%) of the mixed beverage. Hours of sale shall be the same as those authorized for on-premises permittees in the city or county in which the native wine retailer is located.

(f) **Temporary retailer's permit.** Except as otherwise provided in subsection (5) of this section, a temporary retailer's permit shall permit the purchase and resale of alcoholic

beverages, including native wines, during legal hours on the premises described in the temporary permit only.

Temporary retailer's permits shall be of the following classes:

Class 1. A temporary one-day permit may be issued to bona fide nonprofit civic or charitable organizations authorizing the sale of alcoholic beverages, including native wine, for consumption on the premises described in the temporary permit only. Class 1 permits may be issued only to applicants demonstrating to the department, by a statement signed under penalty of perjury submitted ten (10) days prior to the proposed date or such other time as the department may determine, that they meet the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. Class 1 permittees shall obtain all alcoholic beverages from package retailers located in the county in which the temporary permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2. A temporary permit, not to exceed seventy (70) days, may be issued to prospective permittees seeking to transfer a permit authorized in paragraph (c) of this subsection. A Class 2 permit may be issued only to applicants demonstrating to the department, by a statement signed under the penalty of perjury, that they meet the qualifications of Sections 67-1-5(l), (m), (n), (o), (p) or (q), 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 and 67-1-59. The department, following a preliminary review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit.

Class 2 temporary permittees must purchase their alcoholic beverages directly from the department or, with approval of the department, purchase the remaining stock of the previous permittee. If the proposed applicant of a Class 1 or Class 2 temporary permit falsifies information contained in the application or statement, the applicant shall never again be eligible for a retail alcohol beverage permit and shall be subject to prosecution for perjury.

Class 3. A temporary one-day permit may be issued to a retail establishment authorizing the complimentary distribution of wine, including native wine, to patrons of the retail establishment at an open house or promotional event, for consumption only on the premises described in the temporary permit. A Class 3 permit may be issued only to an applicant demonstrating to the department, by a statement signed under

penalty of perjury submitted ten (10) days before the proposed date or such other time as the department may determine, that it meets the qualifications of Sections 67-1-11, 67-1-37, 67-1-51(2) and (3), 67-1-55, 67-1-57 (excluding paragraph (e)) and 67-1-59. A Class 3 permit holder shall obtain all alcoholic beverages from the holder(s) of a package retailer's permit located in the county in which the temporary permit is issued. Wine remaining in stock upon expiration of the temporary permit may be returned by the Class 3 temporary permit holder to the package retailer for a refund of the purchase price, with consent of the package retailer, or may be kept by the Class 3 temporary permit holder exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages. The department, following review of the statement provided by the applicant and the requirements of the applicable statutes and regulations, may issue the permit. No retailer may receive more than twelve (12) Class 3 temporary permits in a calendar year. A Class 3 temporary permit shall not be issued to a retail establishment that either holds a merchant permit issued under paragraph (l) of this subsection, or holds a permit issued under Chapter 3, Title 67, Mississippi Code of 1972, authorizing the holder to engage in the business of a retailer of light wine or beer.

(g) **Caterer's permit.** A caterer's permit shall permit the purchase of alcoholic beverages by a person engaging in

business as a caterer and the resale of alcoholic beverages by such person in conjunction with such catering business. No person shall qualify as a caterer unless forty percent (40%) or more of the revenue derived from such catering business shall be from the serving of prepared food and not from the sale of alcoholic beverages and unless such person has obtained a permit for such business from the Department of Health. A caterer's permit shall not authorize the sale of alcoholic beverages on the premises of the person engaging in business as a caterer; however, the holder of an on-premises retailer's permit may hold a caterer's permit. When the holder of an on-premises retailer's permit or an affiliated entity of the holder also holds a caterer's permit, the caterer's permit shall not authorize the service of alcoholic beverages on a consistent, recurring basis at a separate, fixed location owned or operated by the caterer, on-premises retailer or affiliated entity and an on-premises retailer's permit shall be required for the separate location. All sales of alcoholic beverages by holders of a caterer's permit shall be made at the location being catered by the caterer, and, except as otherwise provided in subsection (5) of this section, such sales may be made only for consumption at the catered location. The location being catered may be anywhere within a county or judicial district that has voted to come out from under the dry laws or in which the sale and distribution of alcoholic beverages is otherwise authorized by law. Such sales shall be made pursuant to any other conditions

and restrictions which apply to sales made by on-premises retail permittees. The holder of a caterer's permit or his employees shall remain at the catered location as long as alcoholic beverages are being sold pursuant to the permit issued under this paragraph (g), and the permittee shall have at the location the identification card issued by the Alcoholic Beverage Control Division of the department. No unsold alcoholic beverages may be left at the catered location by the permittee upon the conclusion of his business at that location. Appropriate law enforcement officers and Alcoholic Beverage Control Division personnel may enter a catered location on private property in order to enforce laws governing the sale or serving of alcoholic beverages.

(h) **Research permit.** A research permit shall authorize the holder thereof to operate a research facility for the professional research of alcoholic beverages. Such permit shall authorize the holder of the permit to import and purchase limited amounts of alcoholic beverages from the department or from importers, wineries and distillers of alcoholic beverages for professional research.

(i) **Alcohol processing permit.** An alcohol processing permit shall authorize the holder thereof to purchase, transport and possess alcoholic beverages for the exclusive use in cooking, processing or manufacturing products which contain alcoholic beverages as an integral ingredient. An alcohol processing permit shall not authorize the sale of alcoholic beverages on the

premises of the person engaging in the business of cooking, processing or manufacturing products which contain alcoholic beverages. The amounts of alcoholic beverages allowed under an alcohol processing permit shall be set by the department.

(j) **Hospitality cart permit.** A hospitality cart permit shall authorize the sale of alcoholic beverages from a mobile cart on a golf course that is the holder of an on-premises retailer's permit. The alcoholic beverages sold from the cart must be consumed within the boundaries of the golf course.

(k) **Special service permit.** A special service permit shall authorize the holder to sell commercially sealed alcoholic beverages to the operator of a commercial or private aircraft for en route consumption only by passengers. A special service permit shall be issued only to a fixed-base operator who contracts with an airport facility to provide fueling and other associated services to commercial and private aircraft.

(l) **Merchant permit.** Except as otherwise provided in subsection (5) of this section, a merchant permit shall be issued only to the owner of a spa facility, an art studio or gallery, or a cooking school, and shall authorize the holder to serve complimentary by the glass wine only, including native wine, at the holder's spa facility, art studio or gallery, or cooking school. A merchant permit holder shall obtain all wine from the holder of a package retailer's permit.

(m) **Temporary alcoholic beverages charitable auction permit.** A temporary permit, not to exceed five (5) days, may be issued to a qualifying charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code of 1986. The permit shall authorize the holder to sell alcoholic beverages for the limited purpose of raising funds for the organization during a live or silent auction that is conducted by the organization and that meets the following requirements: (i) the auction is conducted in an area of the state where the sale of alcoholic beverages is authorized; (ii) if the auction is conducted on the premises of an on-premises retailer's permit holder, then the alcoholic beverages to be auctioned must be stored separately from the alcoholic beverages sold, stored or served on the premises, must be removed from the premises immediately following the auction, and may not be consumed on the premises; (iii) the permit holder may not conduct more than two (2) auctions during a calendar year; (iv) the permit holder may not pay a commission or promotional fee to any person to arrange or conduct the auction.

(n) **Event venue retailer's permit.** An event venue retailer's permit shall authorize the holder thereof to purchase and resell alcoholic beverages, including native wines, for consumption on the premises during legal hours during events held on the licensed premises if food is being served at the event by a caterer who is not affiliated with or related to the permittee.

The caterer must serve at least three (3) entrees. The permit may only be issued for venues that can accommodate two hundred (200) persons or more. The number of persons a venue may accommodate shall be determined by the local fire department and such determination shall be provided in writing and submitted along with all other documents required to be provided for an on-premises retailer's permit. The permittee must derive the majority of its revenue from event-related fees, including, but not limited to, admission fees or ticket sales for live entertainment in the building. "Event-related fees" do not include alcohol, beer or light wine sales or any fee which may be construed to cover the cost of alcohol, beer or light wine. This determination shall be made on a per event basis. An event may not last longer than two (2) consecutive days per week.

(o) **Temporary theatre permit**. A temporary theatre permit, not to exceed five (5) days, may be issued to a charitable nonprofit organization that is exempt from taxation under Section 501(c)(3) or (4) of the Internal Revenue Code and owns or operates a theatre facility that features plays and other theatrical performances and productions. Except as otherwise provided in subsection (5) of this section, the permit shall authorize the holder to sell alcoholic beverages, including native wines, to patrons of the theatre during performances and productions at the theatre facility for consumption during such performances and productions on the premises of the facility described in the

permit. A temporary theatre permit holder shall obtain all alcoholic beverages from package retailers located in the county in which the permit is issued. Alcoholic beverages remaining in stock upon expiration of the temporary theatre permit may be returned by the permittee to the package retailer for a refund of the purchase price upon consent of the package retailer or may be kept by the permittee exclusively for personal use and consumption, subject to all laws pertaining to the illegal sale and possession of alcoholic beverages.

(p) **Charter ship operator's permit.** Subject to the provisions of this paragraph (p), a charter ship operator's permit shall authorize the holder thereof and its employees to serve, monitor, store and otherwise control the serving and availability of alcoholic beverages to customers of the permit holder during private charters under contract provided by the permit holder. A charter ship operator's permit shall authorize such action by the permit holder and its employees only as to alcoholic beverages brought onto the permit holder's ship by customers of the permit holder as part of such a private charter. All such alcoholic beverages must be removed from the charter ship at the conclusion of each private charter. A charter ship operator's permit shall not authorize the permit holder to sell, charge for or otherwise supply alcoholic beverages to customers, except as authorized in this paragraph (p). For the purposes of this paragraph (p), "charter ship operator" means a common carrier that (i) is

certified to carry at least one hundred fifty (150) passengers and/or provide overnight accommodations for at least fifty (50) passengers, (ii) operates only in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, and (iii) provides charters under contract for tours and trips in such waters.

(q) **Distillery retailer's permit.** The holder of a Class 1 manufacturer's permit may obtain a distillery retailer's permit. A distillery retailer's permit shall authorize the holder thereof to sell at retail alcoholic beverages by the sealed and unopened bottle from a retail location at the distillery for off-premises consumption. The holder may only sell product manufactured by the manufacturer at the distillery described in the permit. The holder shall not sell at retail more than ten percent (10%) of the alcoholic beverages produced annually at its distillery. The holder shall not make retail sales of more than two and twenty-five one-hundredths (2.25) liters, in the aggregate, of the alcoholic beverages produced at its distillery to any one (1) individual for consumption off the premises of the distillery within a twenty-four-hour period. The hours of sale shall be the same as those hours for package retailers under this chapter. The holder of a distillery retailer's permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution

warehouse; however, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder shall pay to the department all taxes, fees and surcharges on the alcoholic beverages that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. In addition to alcoholic beverages, the holder of a distillery retailer's permit may sell at retail promotional products from the same retail location, including shirts, hats, glasses, and other promotional products customarily sold by alcoholic beverage manufacturers.

(r) **Festival Wine Permit**. Any wine manufacturer or native wine producer permitted by Mississippi or any other state is eligible to obtain a Festival Wine Permit. This permit authorizes the entity to transport product manufactured by it to festivals held within the State of Mississippi and sell sealed, unopened bottles to festival participants. The holder of this permit may provide samples at no charge to participants. "Festival" means any event at which three (3) or more vendors are present at a location for the sale or distribution of goods. The holder of a Festival Wine Permit is not required to purchase the alcoholic beverages authorized to be sold by this paragraph from the department's liquor distribution warehouse. However, if the holder does not purchase the alcoholic beverages from the department's liquor distribution warehouse, the holder of this permit shall pay to the department all taxes, fees and surcharges

on the alcoholic beverages sold at such festivals that are imposed upon the sale of alcoholic beverages shipped by the Alcoholic Beverage Control Division of the Department of Revenue. Additionally, the entity shall file all applicable reports and returns as prescribed by the department. This permit is issued per festival and provides authority to sell for two (2) consecutive days during the hours authorized for on-premises permittees' sales in that county or city. The holder of the permit shall be required to maintain all requirements set by Local Option Law for the service and sale of alcoholic beverages. This permit may be issued to entities participating in festivals at which a Class 1 temporary permit is in effect.

This paragraph (r) shall stand repealed from and after July 1, 2023.

(s) **Charter vessel operator's permit.** Subject to the provisions of this paragraph (s), a charter vessel operator's permit shall authorize the holder thereof and its employees to sell and serve alcoholic beverages to passengers of the permit holder during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder. The permit shall authorize the holder to only sell alcoholic beverages, including native wines, to passengers of the charter vessel operator during public tours, historical tours, ecological tours and sunset cruises provided by the permit holder aboard the charter vessel operator for consumption during such tours and cruises on the

premises of the charter vessel operator described in the permit. For the purposes of this paragraph (s), "charter vessel operator" means a common carrier that (i) is certified to carry at least forty-nine (49) passengers, (ii) operates only in the waters within the State of Mississippi, which lie south of Interstate-10 in the three (3) most southern counties in the State of Mississippi, and lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, extending not further than one (1) mile south of such counties, and (iii) provides vessel services for tours and cruises in such waters as provided in this paragraph (s).

(2) Except as otherwise provided in subsection (4) of this section, retail permittees may hold more than one (1) retail permit, at the discretion of the department.

(3) Except as otherwise provided in this subsection, no authority shall be granted to any person to manufacture, sell or store for sale any intoxicating liquor as specified in this chapter within four hundred (400) feet of any church, school, kindergarten or funeral home. However, within an area zoned commercial or business, such minimum distance shall be not less than one hundred (100) feet.

A church or funeral home may waive the distance restrictions imposed in this subsection in favor of allowing issuance by the department of a permit, pursuant to subsection (1) of this section, to authorize activity relating to the manufacturing, sale

or storage of alcoholic beverages which would otherwise be prohibited under the minimum distance criterion. Such waiver shall be in written form from the owner, the governing body, or the appropriate officer of the church or funeral home having the authority to execute such a waiver, and the waiver shall be filed with and verified by the department before becoming effective.

The distance restrictions imposed in this subsection shall not apply to the sale or storage of alcoholic beverages at a bed and breakfast inn listed in the National Register of Historic Places or to the sale or storage of alcoholic beverages in a historic district that is listed in the National Register of Historic Places, is a qualified resort area and is located in a municipality having a population greater than one hundred thousand (100,000) according to the latest federal decennial census.

(4) No person, either individually or as a member of a firm, partnership, limited liability company or association, or as a stockholder, officer or director in a corporation, shall own or control any interest in more than one (1) package retailer's permit, nor shall such person's spouse, if living in the same household of such person, any relative of such person, if living in the same household of such person, or any other person living in the same household with such person own any interest in any other package retailer's permit.

(5) (a) In addition to any other authority granted under this section, the holder of a permit issued under subsection

(1)(c), (e), (f), (g), (l), (n) and/or (o) of this section may sell or otherwise provide alcoholic beverages and/or wine to a patron of the permit holder in the manner authorized in the permit and the patron may remove an open glass, cup or other container of the alcoholic beverage and/or wine from the licensed premises and may possess and consume the alcoholic beverage or wine outside of the licensed premises if: (i) the licensed premises is located within a leisure and recreation district created under Section 67-1-101 and (ii) the patron remains within the boundaries of the leisure and recreation district while in possession of the alcoholic beverage or wine.

(b) Nothing in this subsection shall be construed to allow a person to bring any alcoholic beverages into a permitted premises except to the extent otherwise authorized by this chapter.

SECTION 2. Section 27-71-5, Mississippi Code of 1972, is amended as follows:

27-71-5. (1) Upon each person approved for a permit under the provisions of the Alcoholic Beverage Control Law and amendments thereto, there is levied and imposed for each location for the privilege of engaging and continuing in this state in the business authorized by such permit, an annual privilege license tax in the amount provided in the following schedule:

(a) Except as otherwise provided in this subsection (1), manufacturer's permit, Class 1, distiller's and/or

rectifier's..... $4,500.0

(b) Manufacturer's permit, Class 2, wine Manufacturer..... $1,800.0

(c) Manufacturer's permit, Class 3, native wine manufacturer per ten thousand (10,000) gallons or part thereof produced..... $ 10.0

(d) Native wine retailer's permit..... $ 50.0

(e) Package retailer's permit, each..... $ 900.0

(f) On-premises retailer's permit, except for clubs and common carriers, each..... $ 450.0

(g) On-premises retailer's permit for wine of more than five percent (5%) alcohol by weight, but not more than twenty-one percent (21%) alcohol by weight, each..... $ 225.0

(h) On-premises retailer's permit for clubs..... $ 225.0

(i) On-premises retailer's permit for common carriers, per car, plane, or other vehicle..... $ 120.0

(j) Solicitor's permit, regardless of any other provision of law, solicitor's permits shall be issued only in the discretion of the department..... $ 100.0

(k) Filing fee for each application except for an employee identification card..... $ 25.0

(l) Temporary permit, Class 1, each..... $ 10.0

(m) Temporary permit, Class 2, each..... $ 50.0

(n) (i) Caterer's permit..... $ 600.0

(ii) Caterer's permit for holders of on-premises retailer's permit..... $ 150.0

(o) Research permit..... $ 100.0

(p) Temporary permit, Class 3 (wine only)..... $ 10.0

(q) Special service permit..... $ 225.0

(r) Merchant permit..... $ 225.0

(s) Temporary alcoholic beverages charitable auction permit..... $ 10.0

(t) Event venue retailer's permit..... $ 225.0

(u) Temporary theatre permit, each..... $ 10.0

(v) Charter ship operator's permit..... $ 100.0

(w) Distillery retailer's permit..... $ 450.0

(x) Festival wine permit..... $ 10.0

(y) Charter vessel operator's permit..... $ 100.0

If a person approved for a manufacturer's permit, Class 1, distiller's permit produces a product with at least fifty-one percent (51%) of the finished product by volume being obtained from alcoholic fermentation of grapes, fruits, berries, honey and/or vegetables grown and produced in Mississippi, and produces all of the product by using not more than one (1) still having a maximum capacity of one hundred fifty (150) liters, the annual privilege license tax for such a permit shall be Ten Dollars ($10.00) per ten thousand (10,000) gallons or part thereof produced. Bulk, concentrated or fortified ingredients used for

blending may be produced outside this state and used in producing such a product.

In addition to the filing fee imposed by paragraph (k) of this subsection, a fee to be determined by the Department of Revenue may be charged to defray costs incurred to process applications. The additional fees shall be paid into the State Treasury to the credit of a special fund account, which is hereby created, and expenditures therefrom shall be made only to defray the costs incurred by the Department of Revenue in processing alcoholic beverage applications. Any unencumbered balance remaining in the special fund account on June 30 of any fiscal year shall lapse into the State General Fund.

All privilege taxes imposed by this section shall be paid in advance of doing business. The additional privilege tax imposed for an on-premises retailer's permit based upon purchases shall be due and payable on demand.

Paragraph (x) of this subsection shall stand repealed from and after July 1, 2023.

(2) (a) There is imposed and shall be collected from each permittee, except a common carrier, solicitor or a temporary permittee, by the department, an additional license tax equal to the amounts imposed under subsection (1) of this section for the privilege of doing business within any municipality or county in which the licensee is located.

(b) (i) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(f), (g), (h), (m) and (t) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Twenty-five Dollars ($225.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(ii) In addition to the tax imposed in paragraph (a) of this subsection, there is imposed and shall be collected by the department from each permittee described in subsection (1)(n) and (r) of this section, an additional license tax for the privilege of doing business within any municipality or county in which the licensee is located in the amount of Two Hundred Fifty Dollars ($250.00) on purchases exceeding Five Thousand Dollars ($5,000.00) and Two Hundred Twenty-five Dollars ($225.00) for each additional purchase of Five Thousand Dollars ($5,000.00), or fraction thereof.

(iii) Any person who has paid the additional privilege license tax imposed by this paragraph, and whose permit is renewed, may add any unused fraction of Five Thousand Dollars ($5,000.00) purchases to the first Five Thousand Dollars ($5,000.00) purchases authorized by the renewal permit, and no

additional license tax will be required until purchases exceed the sum of the two (2) figures.

(c) If the licensee is located within a municipality, the department shall pay the amount of additional license tax collected under this section to the municipality, and if outside a municipality the department shall pay the additional license tax to the county in which the licensee is located. Payments by the department to the respective local government subdivisions shall be made once each month for any collections during the preceding month.

(3) When an application for any permit, other than for renewal of a permit, has been rejected by the department, such decision shall be final. Appeal may be made in the manner provided by Section 67-1-39. Another application from an applicant who has been denied a permit shall not be reconsidered within a twelve-month period.

(4) The number of permits issued by the department shall not be restricted or limited on a population basis; however, the foregoing limitation shall not be construed to preclude the right of the department to refuse to issue a permit because of the undesirability of the proposed location.

(5) If any person shall engage or continue in any business which is taxable under this section without having paid the tax as provided in this section, the person shall be liable for the full amount of the tax plus a penalty thereon equal to the amount

thereof, and, in addition, shall be punished by a fine of not more than One Thousand Dollars ($1,000.00), or by imprisonment in the county jail for a term of not more than six (6) months, or by both such fine and imprisonment, in the discretion of the court.

(6) It shall be unlawful for any person to consume alcoholic beverages on the premises of any hotel restaurant, restaurant, club or the interior of any public place defined in Chapter 1, Title 67, Mississippi Code of 1972, when the owner or manager thereof displays in several conspicuous places inside the establishment and at the entrances of establishment a sign containing the following language: NO ALCOHOLIC BEVERAGES ALLOWED.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

House Bill 1302

Description: Optometry; Board shall define practice of, and authorize to perform certain procedures and use and prescribe certain drugs.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(H) Referred To Public Health and Human Services
2	01/26	(H) Title Suff Do Pass Comm Sub
3	02/03	(H) Committee Substitute Adopted
4	02/03	(H) Passed {Vote}
5	02/04	(H) Transmitted To Senate
6	02/16	(S) Referred To Public Health and Welfare
7	02/23	(S) Title Suff Do Pass As Amended
8	02/25	(S) Amended
9	02/25	(S) Passed As Amended {Vote}
10	03/01	(S) Returned For Concurrence
11	03/09	(H) Concurred in Amend From Senate {Vote}
12	03/11	(S) Enrolled Bill Signed
13	03/11	(H) Enrolled Bill Signed
14	03/17	Approved by Governor

Amendments:

[S] Committee Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for House Bill No. 1302

Code Section: A 073-0019-0001, A 073-0019-0027, A 073-0019-0157

----- Additional Information -----

House Committee: Public Health and Human Services
Senate Committee: Public Health and Welfare

Principal Author: White
Additional Authors: Stamps

Title: AN ACT TO AMEND SECTION 73-19-1, MISSISSIPPI CODE OF 1972, TO DEFINE THE PRACTICE OF OPTOMETRY; TO PROVIDE FOR THE DISEASES AND CONDITIONS THAT OPTOMETRISTS ARE AUTHORIZED TO EXAMINE, DIAGNOSE AND MANAGE; TO PROVIDE THAT AN OPTOMETRIST MAY UTILIZE LOCAL ANESTHESIA IN THE PERFORMANCE OF CERTAIN PROCEDURES; TO PROVIDE THAT NO OPTOMETRIST SHALL PERFORM CATARACT SURGERY NOR ANY OTHER INTRAOCULAR SURGERY NOT SPECIFICALLY ALLOWED IN THIS STATUTE; TO PROVIDE THAT AN OPTOMETRIST MAY PERFORM YAG LASER POSTERIOR CAPSULOTOMIES IF HE/SHE HAS BEEN CERTIFIED BY THE BOARD OF OPTOMETRY TO PERFORM OPTOMETRIC YAG LASER POSTERIOR CAPSULOTOMY PROCEDURES; TO AMEND SECTION 73-19-27, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT ALLOWS OPTOMETRISTS TO USE PHARMACEUTICAL AGENTS IN THEIR PRACTICE; TO AMEND SECTION 73-19-157, MISSISSIPPI CODE OF 1972, TO PROVIDE OPTOMETRISTS THE AUTHORITY TO USE AND PRESCRIBE CERTAIN PHARMACEUTICAL MEDICATIONS; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representatives White, Stamps

To: Public Health and Human Services

HOUSE BILL NO. 1302
(As Sent to Governor)

AN ACT TO AMEND SECTION 73-19-1, MISSISSIPPI CODE OF 1972, TO DEFINE THE PRACTICE OF OPTOMETRY; TO PROVIDE FOR THE DISEASES AND CONDITIONS THAT OPTOMETRISTS ARE AUTHORIZED TO EXAMINE, DIAGNOSE AND MANAGE; TO PROVIDE THAT AN OPTOMETRIST MAY UTILIZE LOCAL ANESTHESIA IN THE PERFORMANCE OF CERTAIN PROCEDURES; TO PROVIDE THAT NO OPTOMETRIST SHALL PERFORM CATARACT SURGERY NOR ANY OTHER INTRAOCULAR SURGERY NOT SPECIFICALLY ALLOWED IN THIS STATUTE; TO PROVIDE THAT AN OPTOMETRIST MAY PERFORM YAG LASER POSTERIOR CAPSULOTOMIES IF HE/SHE HAS BEEN CERTIFIED BY THE BOARD OF OPTOMETRY TO PERFORM OPTOMETRIC YAG LASER POSTERIOR CAPSULOTOMY PROCEDURES; TO AMEND SECTION 73-19-27, MISSISSIPPI CODE OF 1972, TO DELETE THE PROVISION THAT ALLOWS OPTOMETRISTS TO USE PHARMACEUTICAL AGENTS IN THEIR PRACTICE; TO AMEND SECTION 73-19-157, MISSISSIPPI CODE OF 1972, TO PROVIDE OPTOMETRISTS THE AUTHORITY TO USE AND PRESCRIBE CERTAIN PHARMACEUTICAL MEDICATIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-19-1, Mississippi Code of 1972, is amended as follows:

73-19-1. (1) The practice of optometry is defined to be the application of optical principles, through technical methods and devices in the examination of human eyes for the purpose of ascertaining departures from the normal, measuring their functional powers and adapting or prescribing optical accessories, including spectacles, contact lenses and low-vision

devices, for the aid thereof, including, but not limited to, the use of computerized or automated refracting devices, lenses and prisms, vision therapy and low-vision rehabilitation therapy. The practice of optometry shall include the prescribing and use of therapeutic pharmaceutical agents by optometrists certified under Sections 73-19-153 through 73-19-165. The practice of optometry shall * * * include the removal of superficial foreign bodies from the eye or other noninvasive procedures. Nothing in this section or any other provision of law shall be construed to prohibit optometrists who have been certified under Sections 73-19-153 through 73-19-165 from providing postophthalmic surgical or clinical care and management with the advice and consultation of the operating or treating physician. One who is engaged in the practice of optometry as a profession as defined in this subsection and who has sufficient education and professional competence, as defined by the State Board of Optometry, shall be authorized to examine, diagnose, manage and treat conditions and diseases of the eye and eyelid, including the following:

(a) The administration and prescribing of pharmaceutical agents rational to the diagnosis and treatment of conditions or diseases of the eye or eyelid; excluding administration that requires intraocular injection or intraocular implantation;

(b) The performance of primary eye care procedures not otherwise excluded within this statute rational to the treatment of conditions or diseases of the eye or eyelid;

(c) The performance and ordering of procedures and laboratory tests rational to the diagnosis of conditions or diseases of the eye and eyelid; excluding those requiring biopsy of any part of the globe or intraocular aspiration or penetration;

(d) The use of a local anesthetic in conjunction with the primary care treatment of an eyelid lesion; provided, however, that no optometrist shall use a local anesthetic for this purpose unless the optometrist has met the certification requirements set forth by the Board of Optometry for the administration of pharmaceutical agents in the performance of primary eye care procedures. Nothing in this subsection shall be construed as allowing an optometrist to perform any reconstructive surgical procedure on the eyelid; and

(e) An optometrist may utilize local anesthesia by injection in performing the following procedures:

(i) Needle drainage of an eyelid abscess, hematoma, bulla and seroma;

(ii) Excision of a single epidermal lesion without characteristics of malignancy, no larger than five (5) millimeters in size and no deeper than the dermal layer of the skin;

(iii) Incision and curettage of a nonrecurrent chalazion;

(iv) Simple repair of an eyelid laceration no larger than two and one-half (2-1/2) centimeters and no deeper than the orbicularis muscle and not involving the eyelid margin or lacrimal drainage structures; or

(v) Removal of foreign bodies in the eyelid not involving lid margin, lacrimal drainage structures, and extending no deeper than the orbicularis muscle.

(2) Nothing in * * * this act, shall be construed or interpreted to allow any optometrist to treat systemic diseases and/or conditions.

(3) Optometrists practicing in this state shall not perform cataract surgery nor any other intraocular surgical procedure not specifically allowed in this statute.

(4) Optometrists practicing under the authority of this section shall be held to the same standard of care as that of other physicians providing similar services. No optometrist shall practice under this section unless the optometrist has submitted to the Board of Optometry evidence of satisfactory completion of all education requirements and the board has certified the optometrist as educationally qualified.

(5) An optometrist may perform the following if he has been certified by the Board of Optometry to perform optometric laser procedure: YAG laser posterior capsulotomy.

SECTION 2. Section 73-19-27, Mississippi Code of 1972, is amended as follows:

73-19-27. Nothing in this chapter shall be construed as conferring on the holder of any certificate of licensure issued by said board the title of oculist, ophthalmologist, or any other word or abbreviation indicating that he is engaged in the practice of medicine or surgery. * * *

SECTION 3. Section 73-19-157, Mississippi Code of 1972, is amended as follows:

73-19-157. Any optometrist certified to prescribe and use therapeutic pharmaceutical agents under Sections 73-19-153 through 73-19-165 is authorized to examine, diagnose, manage and treat visual defects, abnormal conditions and diseases of the human eye or eyelids, including:

* * *

(* * *a) Over-the-counter medications;

* * *

(b) Pharmaceutical medications which are rational and appropriate for the examination, diagnosis, management or treatment of visual defects, abnormal conditions or diseases of the eye and/or eyelids as authorized by Section 73-19-1 of this chapter not including any medication that must be injected or implanted into the eye or orbit. Dermal fillers and substances injected for cosmetic purposes are prohibited.

These agents shall not include any drug or substance listed in Schedule I of the Uniform Controlled Dangerous Substances Law;

(* * *c) The administration of an auto injection or epi-pen to counteract anaphylactic reaction, followed by immediate referral of the patient to the nearest emergency medical facility * * *; and

(d) In a public health emergency, the State Health Officer may authorize therapeutically licensed optometrists to administer inoculations for systemic health reasons.

SECTION 4. An optometrist may be licensed in Mississippi to perform authorized ophthalmic YAG laser posterior capsulotomy procedures if he/she:

(a) Provides proof of holding a Mississippi license to practice therapeutic optometry and is in good standing;

(b) Provides proof of satisfactory completion of a course of instruction as approved by the board. Those graduating from an accredited school or college of optometry within five (5) years after the effective date of this act may be excluded from course completion requirement, provided that the candidate has successfully passed appropriate coursework to fulfill requirements as determined by the board. The board-approved course of instruction shall be:

(i) Provided by an accredited optometry, osteopathy or medical school;

(ii) A minimum of thirty-two (32) clock hours in length; and

(iii) Sponsored by an organization approved by the board;

(c) Satisfactorily completes a written test approved by the board on aspects pertaining to authorized ophthalmic YAG laser posterior capsulotomy procedures;

(d) Passes a clinical skills assessment approved by the board;

(e) Participates in eight (8) additional hours of working under a preceptor who is either an ophthalmologist or licensed credentialed optometrist. The preceptor must be licensed to perform the ophthalmic YAG laser posterior capsulotomy procedures, and the training shall occur within the state in which the preceptor is licensed to perform such procedures; and

(f) Such other requirements as may be directed by the board.

SECTION 5. An optometrist licensed in another state who applies for licensure by endorsement in Mississippi shall be credentialed to perform authorized ophthalmic YAG laser posterior capsulotomy procedures if the applicant provides proof that:

(a) The applicant holds an active license in good standing by another state; and

(b) The applicant is credentialed by that state to perform ophthalmic YAG laser posterior capsulotomy procedures; and

(c) The requirements in the state of licensure for performing ophthalmic YAG laser posterior capsulotomy procedures meet or exceed the requirements in Section 1 of this act; or

(d) The applicant has satisfactory outcome data from prior ophthalmic YAG laser posterior capsulotomy procedures.

SECTION 6. Optometrists shall report to the board the outcome of every authorized ophthalmic surgery procedure performed in such form as required or directed by the board.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2021

Description: Coordinator of Mental Health Accessibility; house position under DFA, exempt contracts from rules of contract review board.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/05	(S)	Referred To Public Health and Welfare; Accountability, Efficiency, Transparency
2	01/06	(S)	DR - TSDP: PH To AC
3	01/07	(S)	Title Suff Do Pass
4	01/11	(S)	Amended
5	01/11	(S)	Passed As Amended {Vote}
6	01/11	(S)	Immediate Release
7	01/11	(S)	Transmitted To House
8	01/21	(H)	Referred To Public Health and Human Services
9	01/26	(H)	Title Suff Do Pass
10	02/03	(H)	Passed {Vote}
11	02/04	(H)	Returned For Enrolling
12	02/05	(S)	Enrolled Bill Signed
13	02/05	(H)	Enrolled Bill Signed
14	02/08		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 041-0020-0003, A 041-0020-0007, A 027-0104-0007

----- Additional Information -----

Senate Committee: Public Health and Welfare, Accountability, Efficiency, Transparency
House Committee: Public Health and Human Services

Principal Author: Bryan

Title: AN ACT TO AMEND SECTION 41-20-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY

SHALL BE HOUSED WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT ALL EXPENSES OF THE COORDINATOR SHALL BE PAID OUT OF FUNDS APPROPRIATED TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 41-20-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COORDINATOR MAY HIRE STAFF SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO EXEMPT ANY PERSONAL SERVICE CONTRACTS ENTERED INTO BY THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY THROUGH JUNE 30, 2022, FROM THE RULES AND REGULATIONS OF THE PERSONAL SERVICE CONTRACT REVIEW BOARD; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Bryan

To: Public Health and Welfare; Accountability, Efficiency, Transparency

SENATE BILL NO. 2021
(As Passed the Senate)

AN ACT TO AMEND SECTION 41-20-3, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY SHALL BE HOUSED WITHIN THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO PROVIDE THAT ALL EXPENSES OF THE COORDINATOR SHALL BE PAID OUT OF FUNDS APPROPRIATED TO THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 41-20-7, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COORDINATOR MAY HIRE STAFF SUBJECT TO THE APPROVAL OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF FINANCE AND ADMINISTRATION; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO EXEMPT ANY PERSONAL SERVICE CONTRACTS ENTERED INTO BY THE COORDINATOR OF MENTAL HEALTH ACCESSIBILITY THROUGH JUNE 30, 2022, FROM THE RULES AND REGULATIONS OF THE PERSONAL SERVICE CONTRACT REVIEW BOARD; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 41-20-3, Mississippi Code of 1972, is amended as follows:

41-20-3. (1) There is created within the Department of Finance and Administration a position to be known as the Coordinator of Mental Health Accessibility. The coordinator shall be appointed by the Executive Director of the Department of Finance and Administration and shall serve at the will and pleasure of the executive director. The executive director shall appoint the coordinator within thirty (30) days from July 8, 2020.

(2) The coordinator must have a master's degree, doctoral degree or juris doctorate from an accredited institution of higher learning and have not less than five (5) years of professional experience.

(3) The coordinator shall be housed at the * * * Department of Finance and Administration. All of the expenses of the coordinator, including the coordinator's salary and the salaries of any staff of the coordinator, shall be paid out of funds appropriated to the * * * Department of Finance and Administration.

SECTION 2. Section 41-20-7, Mississippi Code of 1972, is amended as follows:

41-20-7. In fulfilling the responsibilities of this chapter, the coordinator may, subject to federal law:

(a) Hire staff needed for the performance of his or her duties under this chapter, subject to the approval of the * * * Executive Director of the Department of Finance and Administration and provided that funds are specifically appropriated for that purpose. * * *

(b) Enter any part of the mental health system, including any facility or building used to provide mental health services.

(c) Interview, on a confidential basis or otherwise, persons and employees in the mental health system.

(d) Access services, documents, records, programs and materials as necessary to assess the status of the mental health system.

(e) Recommend changes to any portion of the mental health system either in the coordinator's status reports or to the board(s) of supervisors or regional commissions or to the State Department of Mental Health or as otherwise determined to be necessary by the coordinator.

(f) Develop and implement a plan to provide access to mental health services in any county or geographic area within a county, where services are determined to be inadequate, if required by Section 41-20-9.

(g) Communicate with any governmental entity as is necessary to fulfill the coordinator's duties under this chapter.

(h) Perform any other actions as the coordinator deems necessary to fulfill the coordinator's duties under this chapter.

SECTION 3. Section 27-104-7, Mississippi Code of 1972, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who

receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes

shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such contracts involving buildings and other facilities of state institutions of higher learning which are self-administered as provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency

requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the

lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, and any contract for attorney,

accountant, actuary auditor, architect, engineer, * * * utility rate expert services, and any personal service contracts approved by the Executive Director of the Department of Finance and Administration and entered into by the Coordinator of Mental Health Accessibility through June 30, 2022. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review

Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system.

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for

personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and

5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.

3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee.

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of

commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by

Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed personal or professional service contract. If the board responds to the department(s) within seven (7) calendar days, then the board has seven (7) calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal or professional service contract. The board is not authorized to disapprove any proposed personal or professional services contracts. This subsection shall stand repealed on July 1, 2022.

SECTION 4. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2075

Description: State parks; change name of Natchez State Park to "Bob M. Dearing Natchez State Park."

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(S) Referred To Rules
2	01/19	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/04	(S) Transmitted To House
5	02/24	(H) Referred To Public Property
6	03/02	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/11	(S) Enrolled Bill Signed
10	03/11	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

----- Additional Information -----

Senate Committee: Rules
House Committee: Public Property

Principal Author: Parker
Additional Authors: Barnett, Blackwell, Butler, Chassaniol, Chism, DeBar, Frazier, Hopson, Horhn, McMahan, Michel, Thomas, Jackson (32nd), Simmons (12th), Simmons (13th)

Title: AN ACT TO CHANGE THE NAME OF THE NATCHEZ STATE PARK TO THE BOB M. DEARING NATCHEZ STATE PARK; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2075

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Rules

SENATE BILL NO. 2075

AN ACT TO CHANGE THE NAME OF THE NATCHEZ STATE PARK TO THE BOB M. DEARING NATCHEZ STATE PARK; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Department of Wildlife, Fisheries and Parks is hereby directed to change the name of the Natchez State Park to the "Bob M. Dearing Natchez State Park."

Any reference in any laws of the State of Mississippi to the Natchez State Park shall be deemed to mean the Bob M. Dearing Natchez State Park.

SECTION 2. Section 1 of this act shall be codified in Title 55, Chapter 3, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2076

Description: Mississippi Fair Commission; remove repealer and revise advisory council composition.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/07	(S) Referred To Agriculture
2	02/02	(S) Title Suff Do Pass Comm Sub
3	02/10	(S) Committee Substitute Adopted
4	02/10	(S) Passed {Vote}
5	02/11	(S) Transmitted To House
6	02/24	(H) Referred To Agriculture
7	03/02	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/12	(S) Enrolled Bill Signed
11	03/12	(H) Enrolled Bill Signed
12	03/17	Approved by Governor

Code Section: RA 069-0005-0001, R 069-0005-0003, R 069-0005-0007, R 069-0005-0008, R 069-0005-0011, R 069-0005-0013, R 069-0005-0015, R 069-0005-0027, R 069-0005-0029, R 069-0005-0031, RP 069-0005-0033

----- Additional Information -----

Senate Committee: Agriculture
House Committee: Agriculture

Principal Author: Younger
Additional Authors: Simmons (13th), Butler, Witherspoon

Title: AN ACT TO REENACT SECTIONS 69-5-1, 69-5-3, 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-15, 69-5-27, 69-5-29 AND 69-5-31, MISSISSIPPI CODE OF 1972, WHICH ABOLISH THE STATE FAIR COMMISSION AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND REENACTED SECTION 69-5-1, MISSISSIPPI CODE OF 1972, TO ADD AN ADDITIONAL MEMBER TO THE MISSISSIPPI FAIR

ADVISORY COUNCIL; TO REPEAL SECTION 69-5-33, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THOSE SECTIONS OF LAW; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Younger, Simmons (13th), Butler, Witherspoon

To: Agriculture

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2076

AN ACT TO REENACT SECTIONS 69-5-1, 69-5-3, 69-5-7, 69-5-8, 69-5-11, 69-5-13, 69-5-15, 69-5-27, 69-5-29 AND 69-5-31, MISSISSIPPI CODE OF 1972, WHICH ABOLISH THE STATE FAIR COMMISSION AND TRANSFER ITS FUNCTIONS AND RESPONSIBILITIES TO THE DEPARTMENT OF AGRICULTURE AND COMMERCE; TO AMEND REENACTED SECTION 69-5-1, MISSISSIPPI CODE OF 1972, TO ADD AN ADDITIONAL MEMBER TO THE MISSISSIPPI FAIR ADVISORY COUNCIL; TO REPEAL SECTION 69-5-33, MISSISSIPPI CODE OF 1972, TO REMOVE THE REPEALER ON THOSE SECTIONS OF LAW; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 69-5-1, Mississippi Code of 1972, is reenacted and amended as follows:

69-5-1. (1) The Mississippi Fair Commission is hereby abolished, and all of the powers, duties, property, contractual rights and obligations and unexpended funds of that commission shall be transferred to the Department of Agriculture and Commerce on July 1, 2020. Wherever the term "Mississippi Fair Commission" appears in any law or regulation, the same shall mean the Department of Agriculture and Commerce. The transfer of personnel shall be commensurate with the number and classification of positions allocated to the commission.

(2) In order to promote agricultural and industrial development in Mississippi and to encourage the farmers to grow better livestock and agricultural products, there is hereby created an advisory council to be hereafter known as the "Mississippi Fair Advisory Council." The department shall receive input and guidance from the advisory council, which shall be composed of the following: The Commissioner of Agriculture and Commerce, chairman, the Director of the Mississippi State University Extension Service, President of the Mississippi Livestock Association, the Director of Mississippi Vocational Education, the Director of the Mississippi Development Authority, the Mayor of the City of Jackson, Mississippi, the Dean and Director of Alcorn State University School of Agriculture and Applied Sciences, and an appointee of the Governor, all to serve without salary compensation.

SECTION 2. Section 69-5-3, Mississippi Code of 1972, is reenacted as follows:

69-5-3. (1) The Department of Agriculture and Commerce shall set up rules and regulations consistent with the law governing the distribution of state monies for premiums or awards. It will be the duty of the department, at least twice each year, to approve premium lists or awards, and give out rules governing participants in state premium money in Mississippi. The department may invite the presidents of the various district

livestock shows before the department when determining policies affecting district livestock shows.

(2) The Department of Agriculture and Commerce is hereby authorized to accept money or funds donated to the department, including funds to be awarded as prizes in livestock competition.

(3) The Department of Agriculture and Commerce shall have charge of the State Fairgrounds located in Jackson, Mississippi, including all buildings and improvements thereon, and shall have full power and authority in perfecting plans and causing to be held thereon the Mississippi State Fair and other such events that may be authorized by the department.

(4) The Department of Agriculture and Commerce is hereby authorized to employ an attorney as prescribed in Section 69-1-14.

(5) The Department of Agriculture and Commerce may take any action authorized in Section 1 of Laws 2000, Chapter 306.

(6) The Department of Agriculture and Commerce may allow a commercial, charitable or governmental entity to use, publish and advertise such entity's name in connection with any of the buildings, improvements, grounds or objects located on the State Fairgrounds in Jackson, except for the Kirk Fordice Equine Center, or in connection with any of the events conducted on the State Fairgrounds in return for a monetary consideration paid to the department. Furthermore, the department may lease to any public, private, commercial or charitable entity for a term not to exceed twenty (20) years naming rights to buildings, except for the Kirk

Fordice Equine Center, or property, including, but not limited to, new construction, improvements to existing buildings, grounds and/or objects located on the State Fairgrounds in return for consideration benefitting the commission. The lessee shall pay the cost of erecting, maintaining and removing signage related to the property. Those funds received from an entity for allowing its name to be used, published or advertised in connection with the buildings, improvements, objects or events shall be retained by the department to be used for capital improvements to the fairgrounds or in its annual operating budget. The department shall not enter into any such agreement with any vendor whose products are illegal for participation in or use by persons eighteen (18) years of age and under.

(7) The Commissioner of Agriculture and Commerce is authorized to form and establish a private foundation or nonprofit corporation to receive and disburse the funds generated by the sale of naming rights described in subsection (6) of this section and for any other donations made to the department. The funds shall be disbursed in accordance with guidelines described in this section, and the foundation or nonprofit corporation shall be subject to the reporting requirements described in subsection (10) of this section. All funds shall remain with the foundation until disbursement and shall not be transferred to the State General Fund. No public funds shall be deposited into the account of the private foundation or nonprofit corporation established by the

department for the benefit of the State Fairgrounds, nor shall the Legislature appropriate any State General Fund or Special Fund monies to the foundation or nonprofit corporation for such purposes. All monies received by the foundation shall be maintained separately from funds allocated to the department for operating and administrative costs associated with the State Fairgrounds. In addition to the reporting of information to be included in the annual legislative report of the department, the private foundation or nonprofit corporation shall be subject to annual financial audits by the State Auditor and by auditors of donors in the same manner as required for state agencies.

(8) The Department of Agriculture and Commerce shall have the authority to enter into a lease or right-of-way with a third party covering any land or buildings on the State Fairgrounds and any funds generated from such lease or right-of-way shall remain in a special fund managed by the department for the benefit of the State Fairgrounds. All monies in the special fund may be used for capital improvements to the State Fairgrounds or in the department's annual operating budget for operating and administrative costs associated with the State Fairgrounds. Any unexpended funds remaining in the special fund shall not lapse into the State General Fund, and any interest earned or investment earnings on amounts in the fund shall be deposited in the fund.

(9) The Department of Agriculture and Commerce is hereby authorized, with the advice of the Mississippi Fair Advisory

Council, to adopt such rules and regulations as may be necessary or desirable to carry out, execute or implement the provisions of this article.

(10) The Department of Agriculture and Commerce shall report by January 1 of each year a detailed financial statement of all monies received and expended under subsection (6) and subsection (7) of this section to the Lieutenant Governor, the Speaker of the House of Representatives and the Chairman of the Senate Agriculture Committee and the Chairman of the House of Representatives Agriculture Committee.

SECTION 3. Section 69-5-7, Mississippi Code of 1972, is reenacted as follows:

69-5-7. Headquarters of the Mississippi State Fair operations shall be in connection with the office of the Department of Agriculture and Commerce.

SECTION 4. Section 69-5-8, Mississippi Code of 1972, is reenacted as follows:

69-5-8. The building under the jurisdiction of the Department of Agriculture and Commerce, that is located in Jackson, Mississippi, and used primarily as an arena for rodeo and livestock expositions and related events, shall be named the Kirk Fordice Equine Center. The Department of Agriculture and Commerce shall prepare or have prepared a distinctive plaque, to be placed in a prominent place within the Kirk Fordice Equine Center, that

states the background, accomplishments and service to the state of Governor Kirk Fordice.

SECTION 5. Section 69-5-11, Mississippi Code of 1972, is reenacted as follows:

69-5-11. (1) The Department of Agriculture and Commerce shall charge for admission to the State Fair. The proceeds thereof shall be used for the repayment of revenue bonds issued for the purpose of constructing, equipping and furnishing new buildings and making improvements on the State Fairgrounds.

(2) Funds collected in excess of those required to retire any outstanding bond indebtedness may be used as operating revenue for the Department of Agriculture and Commerce for operating and administrative costs associated with the State Fairgrounds, and such excess funds received by the department shall be deposited in a special fund account managed by the department for the benefit of the State Fairgrounds.

(3) The State Treasurer is hereby directed to invest such excess funds to the credit of the special account managed by the department for the benefit of the State Fairgrounds.

SECTION 6. Section 69-5-13, Mississippi Code of 1972, is reenacted as follows:

69-5-13. The Department of Agriculture and Commerce is hereby authorized and empowered, in its discretion, to declare by resolution the number and type buildings which need to be constructed and the type improvements that need to be made on the

state fairgrounds, and file a certified copy of said resolution with the State Building Commission. If the State Building Commission believes such construction and improvements to be in the best public interest, and that receipts from admission to the State Fair reasonably shall be expected to produce sufficient revenues over a period not to exceed twenty (20) years to retire bonds issued to pay the cost of such improvements as well as the interest thereon, it may, in its discretion, approve the request of the Department of Agriculture and Commerce.

SECTION 7. Section 69-5-15, Mississippi Code of 1972, is reenacted as follows:

69-5-15. (1) The words "revenue bonds" shall be deemed to mean bonds payable solely from the net revenue received by the Department of Agriculture and Commerce.

The Department of Finance and Administration shall have power and is hereby authorized, at one time or from time to time by resolution, to authorize the issuance of negotiable revenue bonds to provide funds for the purpose of paying all or any part of the cost of construction and/or improvements requested by the Department of Agriculture and Commerce pursuant to Section 69-5-13, or the cost of any purchase of property or improvements thereon pursuant to Section 17-17-49, but in no event shall the amount of such bonds outstanding at any one time exceed Four Million Dollars ($4,000,000.00); and shall cause a certified copy of such resolution to be delivered to the State Bond Commission.

No bonds shall be issued under this section after April 23, 2008. Upon the receipt of said authorizing resolution, the State Bond Commission, acting as the issuing agent, shall issue and sell the revenue bonds of the State of Mississippi when authorized at the time and in the amount indicated in said resolution, prescribe the form of the bonds, advertise for and accept bids therefor, issue and sell the bonds, and do any and all other things necessary and advisable in the issuance and sale of said bonds. The principal of and the interest on such revenue bonds shall be payable solely from a special fund to be provided for that purpose from the net revenue received by the Department of Agriculture and Commerce. Such bonds shall bear date or dates, be in such denomination or denominations, bear interest at such rate or rates, provided that the bonds of any issue shall not bear a greater overall maximum interest rate to maturity than that allowed in Section 75-17-103, be payable at such place or places within or without the State of Mississippi, shall mature at such time or times, be redeemable prior to maturity at such time or times and upon such terms, with or without premium, shall bear such registration privileges, and shall be substantially in such form, all as shall be determined by the State Bond Commission. Such bonds shall mature in annual installments beginning not more than three (3) years from date thereof and extending not more than twenty (20) years from date thereof. Such bonds shall be signed by the Chairman of the State Bond Commission, or by his facsimile signature, and the official

seal of the State Bond Commission shall be affixed thereto, and attested by the Secretary of the State Bond Commission. The interest coupons, if any, to be attached to such bonds or other certificates thereon may be executed by the facsimile signatures of said officers. Whenever any such bonds shall have been signed by the officials herein designated to sign the bonds who were in office at the time of such signing but who may have ceased to be such officers prior to the sale and delivery of such bonds, or who may not have been in office on the date such bonds may bear, the signatures of such officers upon such bonds and coupons shall nevertheless be valid and sufficient for all purposes and have the same effect as if the person so officially signing such bonds had remained in office until the delivery of the same to the purchaser or had been in office on the date such bonds may bear.

(2) No bonds shall be issued under the authority of this section prior to February 1, 1983; thereafter such bonds may be issued provided that the expansion and other improvements of the Mississippi Industrial Showcase and Trade Mart Building shall have priority in the use of the proceeds of such bonds and provided that the Department of Finance and Administration has approved plans to increase the size of such building by at least fifty percent (50%).

SECTION 8. Section 69-5-27, Mississippi Code of 1972, is reenacted as follows:

69-5-27. The Department of Agriculture and Commerce shall have the power and authority, in its discretion, to borrow money from any bank or banks in an amount not in excess of Two Hundred Thousand Dollars ($200,000.00), to be used for the repair, renovation or maintenance of buildings located at the Mississippi State Fairgrounds. The Department of Agriculture and Commerce may use any funds accruing to it to service and retire said indebtedness. Such loan shall not exceed a term of ten (10) years and shall bear interest at a rate not in excess of that provided for in Section 75-17-101.

Any loan secured under the provisions of this section shall be approved by the State Bond Commission.

SECTION 9. Section 69-5-29, Mississippi Code of 1972, is reenacted as follows:

69-5-29. The Department of Agriculture and Commerce may by regulation establish policies for the issuance of free passes. These policies shall not prohibit officials of the fair or designated authority from entering said places for inspection purposes; shall not apply to press reporters designated to report news items; and shall not prohibit the commission from declaring specified days, such as Press Day, Legislator's Day, or any other special day.

SECTION 10. Section 69-5-31, Mississippi Code of 1972, is reenacted as follows:

69-5-31. (1) The Department of Agriculture and Commerce is authorized to hire and designate area law enforcement officers on a contractual basis to provide security and to enforce all laws of the State of Mississippi on the Mississippi State Fairgrounds Complex. All officers must have attended and satisfactorily completed the training course required for law enforcement officers at the Law Enforcement Officer's Training Academy or an equivalent facility. All officers must be current with this certification. A complete record of all law enforcement training of each employee will be maintained in each employee's record of employment. Furthermore, the Department of Agriculture and Commerce may enter into a contract with any certified law enforcement officer to provide security to the Department of Agriculture and Commerce with jurisdiction to enforce all laws of the State of Mississippi on property known as the "Mississippi State Fairgrounds Complex" and any and all of its outlying buildings and property.

(2) (a) All officers while in performance of their duty on the premises or at any of the facilities at the Mississippi State Fairgrounds Complex under the direction or control of the Department of Agriculture and Commerce and public property immediately adjacent to such facilities shall:

(i) Be required to dress in uniforms prescribed by the respective law enforcement agency by which he or she is employed; and

(ii) Be authorized to carry weapons.

(b) Employees designated as officers shall be duly sworn and vested with authority to bear arms and make arrests, and shall exercise primarily the responsibilities of the prevention and detection of crime, the apprehension of criminals, and the enforcement of the ordinances and policies of the Department of Agriculture and Commerce, a political subdivision of the State of Mississippi. Employees designated as such officers shall be considered law enforcement officers within the meaning of Section 45-6-3.

SECTION 11. Section 69-5-33, Mississippi Code of 1972, which repeals Sections 69-5-1 through 69-5-31, providing for the abolishment of the Mississippi Fair Commission and the transfer of its functions and responsibilities, is hereby repealed.

SECTION 12. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2098

Description: State Board of Funeral Service; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/07	(S)	Referred To Accountability, Efficiency, Transparency
2	01/28	(S)	Title Suff Do Pass
3	02/04	(S)	Passed {Vote}
4	02/05	(S)	Transmitted To House
5	02/24	(H)	Referred To Accountability, Efficiency, Transparency
6	03/01	(H)	Title Suff Do Pass
7	03/03	(H)	Passed {Vote}
8	03/04	(H)	Returned For Enrolling
9	03/05	(S)	Enrolled Bill Signed
10	03/05	(H)	Enrolled Bill Signed
11	03/11		Approved by Governor

Code Section: R 073-0011-0041, R 073-0011-0043, R 073-0011-0045, R 073-0011-0047, R 073-0011-0049, R 073-0011-0051, R 073-0011-0053, R 073-0011-0055, R 073-0011-0056, R 073-0011-0057, R 073-0011-0057.1, R 073-0011-0058, R 073-0011-0059, R 073-0011-0061, R 073-0011-0063, R 073-0011-0065, R 073-0011-0067, R 073-0011-0069, R 073-0011-0071, R 073-0011-0073, A 073-0011-0033

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Accountability, Efficiency, Transparency

Principal Author: Caughman
Additional Authors: Jackson (11th)

Title: AN ACT TO REENACT SECTIONS 73-11-41 THROUGH 73-11-71, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF FUNERAL SERVICE AND PRESCRIBE ITS DUTIES AND POWERS; TO REENACT SECTION 73-11-73, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES REQUIREMENTS RELATING

TO THE REMOVAL OF DEAD BODIES BY FUNERAL ESTABLISHMENTS; TO AMEND SECTION 73-11-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON SECTIONS OF LAW WHICH CREATE THE STATE BOARD OF FUNERAL SERVICE AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2098

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Caughman, Jackson (11th)

To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2098

AN ACT TO REENACT SECTIONS 73-11-41 THROUGH 73-11-71, MISSISSIPPI CODE OF 1972, WHICH CREATE THE STATE BOARD OF FUNERAL SERVICE AND PRESCRIBE ITS DUTIES AND POWERS; TO REENACT SECTION 73-11-73, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES REQUIREMENTS RELATING TO THE REMOVAL OF DEAD BODIES BY FUNERAL ESTABLISHMENTS; TO AMEND SECTION 73-11-33, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEAL DATE ON SECTIONS OF LAW WHICH CREATE THE STATE BOARD OF FUNERAL SERVICE AND PRESCRIBE ITS DUTIES AND POWERS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 73-11-41, Mississippi Code of 1972, is reenacted as follows:

73-11-41. The following terms shall have the meanings ascribed herein unless the context shall otherwise require:

(a) "Alternative container" is an unfinished wood box or other nonmetal receptacle or enclosure, without ornamentation or a fixed interior lining, which is designed for the encasement of human remains and which is made of fiberboard, pressed wood, composition materials (with or without an outside covering) or like materials.

(b) "Board" means the State Board of Funeral Service of the State of Mississippi as created by Section 73-11-43, or any successor thereof.

(c) "Branch establishment" means an auxiliary facility or division of a main funeral establishment licensed under this chapter that is within seventy-five (75) miles of the main facility.

(d) "Casket" is defined as a rigid container that is designed for the encasement of human remains and that is usually constructed of wood, metal, fiberglass, plastic or like material and ornamented and lined with fabric which may or may not be combustible.

(e) "Cremation" means a two-part procedure whereby a dead human body or body parts shall be reduced by direct flame to residue which includes bone fragments and the pulverization of said bone fragments to coarse powdery consistency.

(f) "Crematory" is defined as any person, partnership or corporation that performs cremation. A crematory must comply with any applicable public health laws and rules and must contain the equipment and meet all of the standards established by the rules and regulations adopted by the board.

(g) "Certified crematory operator" means an individual who has completed the certification program as approved by the board.

(h) "Crematory operator" means the legal entity that operates a crematory and performs cremations.

(i) "Direct cremation" means a disposition of human remains by cremation without formal viewing, visitation or ceremony with the body present.

(j) "Embalming" means the disinfection of the dead human body by replacing certain body fluids with preserving and disinfecting chemicals.

(k) "First call" means the beginning of the relationship between the consumer and the licensed funeral director, funeral service practitioner and/or funeral establishment to take charge of a dead human body and/or have the body prepared for burial or disposition by embalming, cremation or another method.

(l) "Funeral establishment" means a fixed place or premise duly licensed by the board that is devoted to or used in the immediate post-death activities of custody, shelter, care, preparation and/or embalming for final disposition of the body; or used for religious services or other rites or ceremonies associated with the final disposition of the human dead; or maintained or held out to the public by advertising or otherwise as such, for the convenience and comfort of the bereaved and the community for viewing or other services in connection with the human dead, and as the office or place for carrying on the profession of funeral service and/or funeral directing.

(m) "Licensee" means a person or entity who holds a license issued by the board.

(n) "License for funeral establishment" means a license issued to a place or premise devoted to or used in the immediate post-death activities of transportation, custody, shelter, care, preparation and/or embalming for final disposition of the body; or used for religious services or other rites or ceremonies associated with the final disposition of human dead; or maintained for the convenience and comfort of the bereaved and the community for viewing or other services in connection with the human dead, and as the office or place for carrying on the profession of funeral service and/or funeral directing.

(o) "License for the practice of funeral directing" means the license given to a person engaging in the "practice of funeral service" who is not engaged in the practice of embalming.

(p) "License for the practice of funeral service" means the license given to a person engaging in the "practice of funeral service," including the practice of embalming.

(q) "Practice of funeral service" means:

(i) Providing shelter, care and custody of the human dead;

(ii) Conducting immediate post-death activities;

(iii) Preparing of the human dead by embalming or other methods for burial or other disposition;

(iv) Being responsible for the transportation of the human dead, bereaved relatives and friends;

(v) Making arrangements, financial or otherwise, for the providing of such services;

(vi) The sale of funeral merchandise; or

(vii) The practice or performance of any function of funeral directing and/or embalming as presently known, including those stipulated herein.

This definition shall not include persons or corporations engaging only in the preneed sale of funeral merchandise or service.

(r) "Mortuary service establishment" means a place of business where dead human bodies are embalmed or otherwise prepared or held for burial, including the transportation of the bodies.

(s) "Resident trainee" means a person who is preparing to become licensed for the practice of funeral service or funeral directing and who is serving under the supervision and instruction of a person duly licensed for the practice of funeral service or funeral directing in this state.

(t) "Retort" means an enclosed space within which the cremation process takes place.

(u) "Trade embalmer" means an embalmer who does embalming for a licensed funeral establishment.

SECTION 2. Section 73-11-43, Mississippi Code of 1972, is reenacted as follows:

73-11-43. There is created the State Board of Funeral Service which shall consist of seven (7) members, one (1) funeral service licensee and one (1) funeral director licensee to be appointed from each Mississippi Supreme Court district. Three (3) members shall have been licensed for the practice of funeral service under this chapter for five (5) consecutive years and/or have had at least five (5) consecutive years' experience as a funeral director and embalmer in this state immediately preceding his appointment. Three (3) members shall have been licensed for the practice of funeral directing under this chapter for five (5) consecutive years and/or have had at least five (5) consecutive years' experience as a funeral director immediately preceding his appointment. One (1) member shall be a public member and be appointed from the public at large. The members of the board shall be appointed by the Governor with the advice and consent of the Senate. All appointments shall be for terms of four (4) years from the expiration date of the previous term. Upon the expiration of his term of office, a board member may continue to serve until his successor has been appointed and confirmed. No board member shall serve more than two (2) consecutive full terms. Vacancies in office shall be filled by appointment by the Governor in the same manner as the appointment to the position which becomes vacant, subject to the advice and consent of the Senate at

the next regular session of the Legislature. Appointments for vacancies in office, except those from the public at large, may be made from a joint list of four (4) qualified persons, two (2) each submitted by the Mississippi Funeral Directors Association and the Mississippi Funeral Directors and Morticians Association. Nothing in this chapter or any other statute shall preclude the members of the State Embalming Board from serving as members of the State Board of Funeral Service.

SECTION 3. Section 73-11-45, Mississippi Code of 1972, is reenacted as follows:

73-11-45. The members of the board, before entering upon their duties, shall take and subscribe to the oath of office prescribed for other state officers, which oath shall be administered by properly qualified authority and shall be filed in the Office of the Secretary of State.

SECTION 4. Section 73-11-47, Mississippi Code of 1972, is reenacted as follows:

73-11-47. The board shall hold not less than two (2) meetings annually for the purpose of conducting the business of the board and for examining applications for licenses. Four (4) or more members shall comprise a quorum. Any member who shall not attend two (2) consecutive meetings of the board shall be subject to removal by the Governor. The chairman of the board shall notify the Governor in writing when any such member has failed to attend two (2) consecutive regular meetings.

SECTION 5. Section 73-11-49, Mississippi Code of 1972, is reenacted as follows:

73-11-49. (1) The board is authorized to select from its own membership a chairman, vice chairman and secretary-treasurer. Election of officers shall be held at the first regularly scheduled meeting of the fiscal year.

(2) All members of the board shall be reimbursed for their necessary traveling expenses and mileage incident to their attendance upon the business of the board, as provided in Section 25-3-41, and shall receive a per diem as provided in Section 25-3-69 for every day actually spent upon the business of the board, not to exceed twenty (20) days per year unless authorized by a majority vote of the board.

(3) All monies received by the board shall be paid into a special fund in the State Treasury to the credit of the board and shall be used by the board for paying the traveling and necessary expenses and per diem of the members of the board while on board business, and for paying other expenses necessary for the operation of the board in carrying out and involving the provisions of this chapter.

(4) The board shall employ an administrator of the board, who shall have complete supervision and be held responsible for the direction of the office of the board, shall have supervision over field inspections and enforcement of the provisions of this chapter, shall have such other duties as may be assigned by the

board, shall be responsible and answerable to the board. The board may employ such other clerical assistants and employees as may be necessary to carry out the provisions of this chapter, and the terms and conditions of such employment shall be determined by the board in accordance with applicable state law and rules and regulations of the State Personnel Board.

(5) Except as otherwise authorized in Section 7-5-39, the board, when it shall deem necessary, shall be represented by an assistant attorney general duly appointed by the Attorney General of this state, and may also request and receive the assistance of other state agencies and county and district attorneys, all of whom are authorized to provide the assistance requested.

(6) The board shall have subpoena power in enforcing the provisions of this chapter.

(7) The board shall adopt and promulgate rules and regulations consistent with law concerning, but not limited to, trainees, apprentices and preceptors, practitioners of funeral service, funeral directors, embalmers and funeral establishments and branches. These rules and regulations shall not become effective unless promulgated and adopted in accordance with the provisions of the Mississippi Administrative Procedures Law (Section 25-43-1.101 et seq.).

(8) The board may designate the administrator to perform inspections under this chapter, may employ an individual to perform such inspections or may contract with any other individual

or entity to perform such inspections. Any individual or entity that performs such inspections shall have the right of entry into any place in which the business or practice of funeral service and/or funeral directing is carried on or advertised as being carried on, for the purpose of inspection, for the investigation of complaints coming before the board and for such other matters as the board may direct.

(9) The board shall not adopt any rule or regulation requiring dead bodies to be embalmed except as required by rule or otherwise by the State Department of Health.

SECTION 6. Section 73-11-51, Mississippi Code of 1972, is reenacted as follows:

73-11-51. (1) No person shall engage in the business or practice of funeral service, including embalming, and/or funeral directing or hold himself out as transacting or practicing or being entitled to transact or practice funeral service, including embalming, and/or funeral directing in this state unless duly licensed under the provisions of this chapter.

(2) The board is authorized and empowered to examine applicants for licenses for the practice of funeral service and funeral directing and shall issue the proper license to those persons who successfully pass the applicable examination and otherwise comply with the provisions of this chapter.

(3) To be licensed for the practice of funeral directing under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has served as a resident trainee for not less than twenty-four (24) months under the supervision of a person licensed for the practice of funeral service or funeral directing in this state;

(d) Has successfully passed a written and/or oral examination as prepared or approved by the board; and

(e) Is of good moral character.

(4) To be licensed for the practice of funeral service under this chapter, a person must furnish satisfactory evidence to the board that he or she:

(a) Is at least eighteen (18) years of age;

(b) Has a high school diploma or the equivalent thereof;

(c) Has successfully completed twelve (12) months or more of academic and professional instruction from an institution accredited by the United States Department of Education for funeral service education and have a certificate of completion from an institution accredited by the American Board of Funeral

Service Education or any other successor recognized by the United States Department of Education for funeral service education;

(d) Has served as a resident trainee for not less than twelve (12) months, either before or after graduation from an accredited institution mentioned above, under the supervision of a person licensed for the practice of funeral service in this state and in an establishment licensed in this state;

(e) Has successfully passed the National Conference of Funeral Examiners examination and/or such other examination as approved by the board; and

(f) Is of good moral character.

(5) All applications for examination and license for the practice of funeral service or funeral directing shall be upon forms furnished by the board and shall be accompanied by an examination fee, a licensing fee and a nonrefundable application fee in amounts fixed by the board in accordance with Section 73-11-56. The fee for an initial license, however, may be prorated in proportion to the period of time from the date of issuance to the date of biennial license renewal prescribed in subsection (8) of this section. All applications for examination shall be filed with the board office at least sixty (60) days before the date of examination. A candidate shall be deemed to have abandoned the application for examination if he does not appear on the scheduled date of examination unless such failure to appear has been approved by the board.

(6) The practice of funeral service or funeral directing must be engaged in at a licensed funeral establishment, at least one (1) of which is listed as the licensee's place of business; and no person, partnership, corporation, association or other organization shall open or maintain a funeral establishment at which to engage in or conduct or hold himself or itself out as engaging in the practice of funeral service or funeral directing until such establishment has complied with the licensing requirements of this chapter. A license for the practice of funeral service or funeral directing shall be used only at licensed funeral establishments; however, this provision shall not prevent a person licensed for the practice of funeral service or funeral directing from conducting a funeral service at a church, a residence, public hall, lodge room or cemetery chapel, if such person maintains a fixed licensed funeral establishment of his own or is in the employ of or an agent of a licensed funeral establishment.

(7) Any person holding a valid, unrevoked and unexpired nonreciprocal license in another state or territory having requirements greater than or equal to those of this state as determined by the board may apply for a license to practice in this state by filing with the board a certified statement from the secretary of the licensing board of the state or territory in which the applicant holds his license certifying to his qualifications and good standing with that board. He/she must

also successfully pass a written and/or oral examination on the Mississippi Funeral Service licensing law and rules and regulations as prepared or approved by the board, and must pay a nonrefundable application fee set by the board. If the board finds that the applicant has fulfilled aforesaid requirements and has fulfilled substantially similar requirements of those required for a Mississippi licensee, the board shall grant such license upon receipt of a fee in an amount equal to the renewal fee set by the board for a license for the practice of funeral service or funeral directing, as the case may be, in this state. The board may issue a temporary funeral service or funeral directing work permit before a license is granted, before the next regular meeting of the board, if the applicant for a reciprocal license has complied with all requirements, rules and regulations of the board. The temporary permit will expire at the next regular meeting of the board. The issuance of a license or temporary permit by reciprocity to a military-trained applicant or military spouse shall be subject to the provisions of Section 73-50-1.

(8) (a) Except as provided in Section 33-1-39, any person holding a license for the practice of funeral service or funeral directing may have the same renewed for a period of two (2) years by making and filing with the board an application on or before the due date. Payment of the renewal fee shall be in an amount set by the board in accordance with Section 73-11-56. The board shall mail the notice of renewal and the due date for the payment

of the renewal fee to the last-known address of each licensee at least thirty (30) days before that date. It is the responsibility of the licensee to notify the board in writing of any change of address. An application will be considered late if the application and proper fees are not in the board's office or postmarked by the due date. Failure of a license holder to receive the notice of renewal shall not exempt or excuse a license holder from the requirement of renewing the license on or before the license expiration date.

(b) If the renewal fee is not paid on or postmarked by the due date, the license of such person shall by operation of law automatically expire and become void without further action of the board. The board may reinstate such license if application for licensure is made within a period of five (5) years, upon payment of the renewal fee for the current year, all renewal fees in arrears, and a reinstatement fee. After a period of five (5) years, the licensee must make application, pay the current renewal fee, all fees in arrears, and pass a written and/or oral examination as prepared or approved by the board.

(9) No license shall be assignable or valid for any person other than the original licensee.

(10) The board may, in its discretion, if there is a major disaster or emergency where human death is likely to occur, temporarily authorize the practice of funeral directing and funeral service by persons licensed to practice in another state

but not licensed to practice in this state. Only persons licensed in this state, however, may sign death certificates.

(11) Any funeral service technology or mortuary science program accredited by the American Board of Funeral Service Education in the State of Mississippi, as well as students enrolled in such a program, shall be exempt from licensing under this chapter when embalming or otherwise preparing a deceased human body for disposition as part of a student practicum experience, when the student is directly supervised by an instructor or preceptor who holds a current funeral service license. This exemption shall apply to practicum experiences performed at an accredited institution of funeral service technology or mortuary science program or at a duly licensed funeral establishment or commercial mortuary service. Nothing in this subsection shall be construed to allow any funeral service technology or mortuary science program, or those students enrolled in such a program, to engage in practicum experiences for remuneration.

(12) Each application or filing made under this section shall include the social security number(s) of the applicant in accordance with Section 93-11-64.

SECTION 7. Section 73-11-53, Mississippi Code of 1972, is reenacted as follows:

73-11-53. (1) The State Board of Funeral Service is authorized to establish a trainee and apprenticeship program

whereby persons desiring to apprentice as a funeral service or funeral director trainee may be issued a resident traineeship certificate to practice funeral directing or funeral service under the direct on-premises supervision of a sponsoring Mississippi licensed funeral director or funeral service practitioner.

(2) A person desiring to become a resident trainee for the practice of funeral service or funeral directing shall make application to the board. Such application shall be verified by the licensee under whom the applicant is serving, and shall be accompanied by a nonrefundable application fee in an amount set by the board in accordance with Section 73-11-56. When the board is satisfied as to the qualifications of an applicant, it shall issue a certificate of resident traineeship.

(3) The board shall have the power to suspend or revoke a certificate of a resident traineeship for violation of any provision of this chapter.

(4) A resident trainee must serve the apprenticeship in a funeral establishment that is licensed by the State of Mississippi and the preceptor must be a Mississippi licensed funeral service practitioner or funeral director who is employed by a Mississippi licensed funeral establishment and actively practicing within the State of Mississippi. The funeral service trainee and apprenticeship program shall be completed within no less than twelve (12) months or more than eighteen (18) months under the direct supervision of a funeral director or funeral service

licensee of the board. The funeral director trainee and apprenticeship program shall be completed within no less than twenty-four (24) months or more than thirty (30) months under the direct supervision of a funeral director or funeral service licensee of the board. The board may not adopt any rule that shall require a trainee for funeral directing or funeral service to be employed more than sixty-four (64) hours per month.

(5) A resident trainee may serve under the supervision of more than one (1) preceptor under conditions established by board rules and regulations. The board may also adopt rules that will allow training at more than one (1) funeral establishment under special circumstances.

(6) A resident traineeship certificate shall be valid for one (1) year. The board may renew a resident traineeship certificate if the trainee applies for renewal on a form provided by the board, shows that the training activity continues to satisfy applicable requirements and pays a renewal fee as set by the board. The fee and application will be considered late if the fee and application are not in the office or show a postmark of December 31. Applications received late may be reinstated by the payment of a renewal fee, a reinstatement fee and other applicable fees. Failure to receive a renewal notice does not exempt a resident trainee from the required renewal of his/her traineeship.

(7) A resident trainee shall not advertise or hold himself out as a funeral director, funeral service practitioner, embalmer

or use any other title or abbreviation indicating that the trainee is a funeral director, funeral service practitioner or embalmer. A resident trainee does not have the rights and duties of a funeral director or funeral service licensee and is only authorized to act under the direct supervision of the approved preceptor.

SECTION 8. Section 73-11-55, Mississippi Code of 1972, is reenacted as follows:

73-11-55. (1) No person or party shall conduct, maintain, manage or operate a funeral establishment or branch thereof unless a license for each such establishment has been issued by the board and is conspicuously displayed in such funeral establishment. In case of funeral services held in any private residence, church, cemetery, cemetery chapel, cemetery facility, or lodge hall, no license shall be required.

(2) There shall be four (4) funeral establishment license classifications:

(a) Full-service funeral establishment;

(b) Branch establishment;

(c) Mortuary service establishment; and

(d) Crematory establishment.

(3) To be licensed as a funeral establishment, a place or premise must be at a fixed and specified address or location and must be used for immediate post-death activities, whether used for the custody, shelter, care, preparation and/or embalming of the

human dead. Every funeral establishment shall be under the charge and personal supervision of a Mississippi funeral director licensee or a Mississippi funeral service licensee. The licensee in charge and the licensee with personal supervisory responsibilities need not be the same licensee. Each licensed funeral establishment shall be inspected at least once during each licensing period. Such inspections may be unannounced. After inspection of a funeral establishment, if the board cites the funeral establishment for failure to comply with any provision of this chapter or a rule or regulation of the board, the funeral establishment shall resolve the violation to the satisfaction of the board and be in full compliance with this chapter and board rules and regulations not later than thirty (30) days after the board files the inspection report.

(4) (a) A funeral establishment where embalming is conducted must contain an embalming room with a sanitary floor, walls and ceiling, adequate sanitary drainage and disposal facilities, including running water and exhaust fans. A full-service funeral establishment must also have an adequate casket and/or vault selection room, holding facilities and proper room or rooms in which rites and ceremonies may be held. A funeral establishment shall be subject to an inspection at least once during a two-year license period. Each new establishment must be inspected before the opening. All portions of each

facility licensed under this section shall be kept in a clean and sanitary condition.

(b) (i) A branch establishment must contain an office and/or an arrangement room, and a room for viewing and/or a chapel or proper place for ceremonies. A branch establishment need not meet all requirements specified in paragraph (a) of this subsection and need not be under the personal supervision of a Mississippi funeral director licensee or a Mississippi funeral service licensee.

(ii) If the branch meets all requirements of a funeral establishment as specified in paragraph (a) of this subsection, such establishment must be under the charge and personal supervision of a Mississippi funeral director licensee or a Mississippi funeral service licensee.

(c) A commercial mortuary service is a funeral establishment that embalms and transports for licensed funeral establishments and does not sell any services or merchandise directly or at retail to the public. A mortuary service establishment shall not arrange or conduct a funeral or direct burial. A mortuary service establishment may arrange for and transport dead human bodies for direct cremation purposes only under the following circumstances:

(i) On behalf of a full-service funeral establishment;

(ii) On behalf of a branch funeral establishment; or

(iii) At the direction of a public administrator, medical examiner, coroner or any other public official charged with arranging the final disposition of dead human bodies.

(d) A crematory establishment shall have the authority to cremate dead human bodies and to transport dead human bodies to and from the establishment and shall meet the requirements of Section 73-11-69. An establishment licensed only as a crematory establishment is prohibited from the care and preparation of dead human bodies other than by cremating and shall also be prohibited from embalming, making funeral arrangements or cremation arrangements with any person or party that is not licensed by the board, conducting visitations and funeral ceremonies, and furnishing any funeral service in connection with the disposition of dead human bodies or selling funeral merchandise.

(5) Applications for funeral establishment licenses, branch establishment licenses or commercial mortuary service licenses shall be made on blanks furnished by the board and shall be accompanied by a fee in an amount fixed by the board under Section 73-11-56. All establishment licenses shall be issued for a period of two (2) years, except initial licenses may be prorated from the date of issuance to the next renewal date.

Renewal funeral establishment and branch establishment license applications and license fees shall be due and payable to

the board on or before the expiration date of the license. The board shall mail the notice of renewal and the due date for payment of the renewal fee at least thirty (30) days before that date. Failure of the license holder to receive the notice of renewal shall not exempt or excuse the holder from the requirement of renewing the license on or before the license expiration date.

(6) If the renewal fee is not paid on or postmarked by the due date, the license shall by operation of law automatically expire and become void without further action of the board. All establishments whose licenses have expired under this section may be reinstated by filing with the board an application for reinstatement, submitting to an inspection during which time the licensee in charge of such establishment shall be interviewed by the board or its designee and by paying all renewal fees, a reinstatement fee, and other applicable fees.

(7) No license shall be assignable or transferable or valid for any establishment other than the original licensee. License fees and application fees are nonrefundable.

(8) A license for each new establishment shall not be issued until an inspection has been made, license and inspection fees have been paid, and the licensee in charge and/or owners of such establishment has been interviewed by the board or its designee.

(9) The board is authorized to establish rules and regulations for the issuance of a special funeral establishment work permit.

SECTION 9. Section 73-11-56, Mississippi Code of 1972, is reenacted as follows:

73-11-56. On or before October 1 of each year, the board shall determine the amount of funds that will be required during the next ensuing two (2) years to properly administer the laws which the board is directed to enforce and administer and by rule and regulation shall fix fees in such reasonable sums as may be necessary for such purposes within the following limitations:

Funeral establishment:

Application fee, for a new or change of ownership establishment.....$ 500.00

Inspection fee.....$ 75.00

Renewal application and licensee fee.....$ 300.00

Commercial mortuary service license fee for a new or change of ownership.....$ 500.00

Renewal application and licensee fee.....$ 300.00

Crematory application fee for a new or change of ownership.....$ 500.00

Renewal application and license fee.....$ 300.00

Special work permit.....$ 150.00

Funeral service:

Initial application fee.....$ 50.00

Reciprocal application fee.....$ 200.00

Renewal license and application fee.....$ 125.00

Work permit.....$ 50.00

Funeral director:

Initial application fee	$ 50.00
Reciprocal application fee	$ 200.00
Renewal license and application fee	$ 100.00
Work permit	$ 50.00

Certified crematory operator:

Initial application fee	$ 100.00
Renewal license and application fee	$ 100.00

Resident trainee certificate:

Funeral service application fee	$ 50.00
Funeral director application fee	$ 50.00
Funeral service renewal application fee	$ 50.00
Funeral director renewal application fee	$ 50.00

Other fees:

Certification fee	$ 50.00
Duplicate license fee	$ 25.00

Reinstatement of lapsed license fee, equal to the amount of the applicable license fee (or the amount of the application fee for the resident trainees).

Late fee equal to the amount of the applicable license fee (or the amount of the application fee for the resident trainees).

Public records of the board per page	$ 1.00

All licenses will have a reinstatement and late fee added to the renewal fee if the payment is not in the board's office or postmarked by the due date.

At least thirty (30) days prior to the expiration date of any license issued by the board, the board shall notify the licensee of the applicable renewal fee therefor.

SECTION 10. Section 73-11-57, Mississippi Code of 1972, is reenacted as follows:

73-11-57. (1) The board, upon satisfactory proof at proper hearing and in accordance with the provisions of this chapter and the regulations of the board, may suspend, revoke, or refuse to issue or renew any license under this chapter, reprimand or place the holder of a license on a term of probation, and/or take any other action in relation to a license as the board may deem proper under the circumstances upon any of the following grounds:

(a) The employment of fraud or deception in applying for a license or in passing the examination provided for in this chapter;

(b) The erroneous issuance of a license to any person;

(c) The conviction of a felony by any court in this state or any federal court or by the court of any other state or territory of the United States; having been convicted of or pled guilty to a felony in the courts of this state or any other state, territory or country which would prevent a person from holding elected office. Conviction, as used in this paragraph, shall

include a deferred conviction, deferred prosecution, deferred sentence, finding or verdict of guilt, an admission of guilty, or a plea of nolo contendere;

(d) The practice of embalming under a false name or without a license for the practice of funeral service;

(e) The impersonation of another funeral service or funeral directing licensee;

(f) The permitting of a person other than a funeral service or funeral directing licensee to make arrangements for a funeral and/or form of disposition;

(g) Violation of any provision of this chapter or any rule or regulation of the board;

(h) Having had a license for the practice of funeral service or funeral directing suspended or revoked in any jurisdiction, having voluntarily surrendered his license in any jurisdiction, having been placed on probation in any jurisdiction, having been placed under disciplinary order(s) or other restriction in any manner for funeral directing and/or funeral service, or operating a funeral establishment (a certified copy of the order of suspension, revocation, probation or disciplinary action shall be prima facie evidence of such action);

(i) Solicitation of dead human bodies by the licensee, his agents, assistants or employees, whether such solicitation occurs after death or when death is imminent; if the person solicited has made known a desire not to receive the

communication, or if the solicitation involves coercion, duress or harassment, or if the solicitation takes place at the residence of the client or prospective client and is uninvited by the client or prospective client and has not been previously agreed to by the client or prospective client; however, this shall not be deemed to prohibit general advertising;

(j) Employment directly or indirectly of any apprentice, agent, assistant, employee, or other person, on a part-time or full-time basis or on commission, for the purpose of calling upon individuals or institutions by whose influence dead human bodies may be turned over to a particular funeral establishment;

(k) Failure to give full cooperation to the board and/or its designees, agents or other representatives in the performance of official duties of the board. Such failure to cooperate includes, but is not limited to:

(i) Not furnishing any relevant papers or documents requested by or for the board;

(ii) Not furnishing, in writing, an adequate explanation covering the matter contained in a complaint filed with the board;

(iii) Not responding without cause to subpoenas issued by the board, whether or not the licensee is the party charged in any preceding before the board;

(iv) Not reasonably providing access, as directed by the board for its authorized agents or representatives seeking to perform reviews or inspections at facilities or places utilized by the license holder in the practice of funeral service or funeral directing and/or in performing any other activity regulated by the board under this chapter;

(v) Failure to provide information within the specified time allotted and as required by the board and/or its representatives or designees;

(vi) Failure to cooperate with the board or its designees or representatives in the investigation of any alleged misconduct or interfering with a board investigation by willful misrepresentation of facts;

(vii) Deceiving or attempting to deceive the board regarding any matter under investigation, including altering or destroying any records; and

(viii) Failure, without good cause, to cooperate with any request by the board to appear before it;

(l) Knowingly performing any act that in any way assists an unlicensed person to practice funeral service or funeral directing;

(m) Knowingly making a false statement on death certificates;

(n) Conviction of a crime involving moral turpitude;

(o) Violating any statute, ordinance, rule or regulation of the state or any of its boards, agencies or political subdivisions affecting the registration of deaths or the handling, custody, care or transportation of dead human bodies; or

(p) Unprofessional conduct in the practice of funeral service or funeral directing which includes, but is not limited to:

(i) Retaining a dead human body for the payment of a fee for the performance of services that are not authorized;

(ii) Knowingly performing any act which in any way assists an unlicensed person to practice funeral service or funeral directing;

(iii) Being guilty of any dishonorable conduct likely to deceive, defraud or harm the public;

(iv) Any act or omission in the practice of funeral service or directing which constitutes dishonesty, fraud or misrepresentation with the intent to benefit the licensee, another person or funeral establishment, or with the intent to substantially injure another person, licensee or funeral establishment; or

(v) Any act or conduct, whether the same or of a different character than specified above, which constitutes or demonstrates bad faith, incompetency or untrustworthiness; or dishonest, fraudulent or improper dealing; or any other violation of the provisions of this chapter, the rules and regulations

established by the board or any rule or regulation promulgated by the Federal Trade Commission relative to the practice of funeral service or funeral directing.

(2) Any person, including a member of the board, may initiate a complaint against a licensee of the board by filing with the board a written complaint on a form prescribed by the board.

(a) Upon receipt of a properly verified complaint, the board shall send a copy of the complaint to the affected licensee by certified mail to the address of such licensee appearing of record with the board. The licensee shall answer the complaint in writing within twenty (20) days after receipt of the complaint. The licensee shall mail a copy of his, her or its response to the board and the complainant. Upon receipt of the licensee's response or lapse of twenty (20) days, the board is authorized to investigate a complaint that appears to show the existence of any of the causes or grounds for disciplinary action as provided in Section 73-11-57. Upon finding reasonable cause to believe that the charges are not frivolous, unfounded or filed in bad faith, the board may, in its discretion, cause a hearing to be held, at a time and place fixed by the board, regarding the charges that a violation of this chapter has occurred. The board shall order a hearing for the licensee to appear and show cause why he/she should not be disciplined for a violation of this chapter.

(b) The board shall give the complainant and the affected licensee twenty (20) days' notice of any hearing upon a complaint. Such notice shall be by United States certified mail.

(c) Any party appearing before the board may be accompanied by counsel.

(d) Before commencing a hearing, the chairman or designee of the board shall determine if all parties are present and ready to proceed. If the complainant fails to attend a hearing without good cause shown, the complaint shall be dismissed summarily and all fees and expenses of convening the hearing shall be assessed to, and paid by, the complainant. If any affected licensee fails to appear for a hearing without good cause shown, such licensee shall be presumed to have waived his right to appear before the board and be heard.

(e) Upon the chair's determination that all parties are ready to proceed, the chair or designee shall call the hearing to order and the complainant and the licensee may give opening statements. The board may order the sequestration of nonparty witnesses.

(f) The complainant shall then present his, her or its complaint. The licensee, any counsel and any member or designee of the board may ask questions of witnesses.

(g) The licensee shall then present his, her or its case in rebuttal. The complainant, any counsel and any member or designee of the board may ask questions of witnesses.

(h) At the completion of the evidence, all parties may give closing statements.

(i) At the conclusion of the hearing, the board may either decide the issue at that time or take the case under advisement for further deliberation. The board shall render its decision not more than ninety (90) days after the close of the hearing and shall forward the decision to the last-known business or residence address of the parties.

(3) The board, on its own motion, may file a formal complaint against a licensee.

(4) The board may temporarily suspend a license under this chapter without any hearing, simultaneously with the institution of proceedings under this section, if it finds that the evidence in support of the board's determination is clear, competent and unequivocal and that the licensee's continuation in practice would constitute an imminent danger to public health and safety.

(5) The board may, upon satisfactory proof that the applicant or licensee has been guilty of any of the offenses above enumerated, take the action authorized by this section against an applicant or licensee of the board upon a majority vote of the board members, after a hearing thereon. The board is vested with full power and authority to hold and conduct such hearings, compel the attendance of witnesses and the production of books, records and documents, issue subpoenas therefor, administer oaths, examine witnesses, and do all things necessary to properly conduct such

hearings. The board may waive the necessity of a hearing if the person accused of a violation admits that he has been guilty of such offense. Any person who has been refused a license or whose license has been revoked or suspended may, within thirty (30) days after the decision of the board, file with the board a written notice stating that he feels himself aggrieved by such decision and may appeal therefrom to the circuit court of the county and judicial district of residence of the person, or if the person is a nonresident of the State of Mississippi, to the Circuit Court of the First Judicial District of Hinds County. The circuit court shall determine the action of the board was in accord or consistent with law, or was arbitrary, unwarranted or an abuse of discretion. The appeal shall be perfected upon filing notice of the appeal with the circuit court and by the prepayment of all costs, including the cost of the preparation of the record of the proceedings by the board. An appeal from the circuit court judgment or decree may be reviewed by the Supreme Court as is provided by law for other appeals. An appeal of a decision or order of the board does not act as a supersedeas.

(6) In addition to any other power that it has, the board may, upon finding that an applicant or licensee has committed any of the violations listed in Section 73-11-57(1), impose a monetary penalty as follows:

(a) For the first violation of any of the subparagraphs of subsection (1) of this section, a monetary penalty of not more than Five Hundred Dollars ($500.00).

(b) For the second violation of any of the subparagraphs of subsection (1) of this section, a monetary penalty of not more than One Thousand Dollars ($1,000.00).

(c) For the third and any subsequent violation of any of the subparagraphs of subsection (1) of this section, a monetary penalty of not more than Five Thousand Dollars ($5,000.00).

(d) For any violation of any of the subparagraphs of subsection (1) of this section, those reasonable costs that are expended by the board in the investigation and conduct of a proceeding for licensure revocation or suspension, including, but not limited to, the cost of process service, court reporters, expert witnesses and investigators.

(7) The power and authority of the board to assess and levy such monetary penalties hereunder shall not be affected or diminished by any other proceeding, civil or criminal, concerning the same violation or violations except as provided in this section.

(8) A licensee shall have the right of appeal from the assessment and levy of a monetary penalty as provided in this section under the same conditions as a right of appeal is provided elsewhere for appeals from an adverse ruling, order or decision of the board.

(9) Any monetary penalty assessed and levied under this section shall not take effect until after the time for appeal shall have expired.

(10) A monetary penalty assessed and levied under this section shall be paid to the board by the licensee upon the expiration of the period allowed for appeal of such penalties under this section or may be paid sooner if the licensee elects.

With the exception of subsection (5)(d) of this section, monetary penalties collected by the board under this section shall be deposited in the State Treasury to the credit of the State Board of Funeral Service. Any monies collected by the board under subsection (5)(d) of this section shall be deposited into the special fund operating account of the board.

(11) When payment of a monetary penalty assessed and levied by the board against a licensee in accordance with this section is not paid by the licensee when due under this section, the board shall have power to institute and maintain proceedings in its name for enforcement of payment in the chancery court of the county and judicial district of residence of the licensee, or if the licensee is a nonresident of the State of Mississippi, in the Chancery Court of the First Judicial District of Hinds County, Mississippi.

(12) In any administrative or judicial proceeding in which the board prevails, the board shall have the right to recover reasonable attorney fees.

(13) In addition to the reasons specified in subsection (1) of this section, the board shall be authorized to suspend the license of any licensee for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a license for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a license suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a license suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be. Actions taken by the board in suspending a license when required by Section 93-11-157 or 93-11-163 are not actions from which an appeal may be taken under this section. Any appeal of a license suspension that is required by Section 93-11-157 or 93-11-163 shall be taken in accordance with the appeal procedure specified in Section 93-11-157 or 93-11-163, as the case may be, rather than the procedure specified in this section. If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 11. Section 73-11-57.1, Mississippi Code of 1972, is reenacted as follows:

73-11-57.1. The State Board of Funeral Service may revoke, refuse to renew, suspend or place on probation the license of a funeral home establishment or funeral director, or both, if the

funeral home or funeral director accepts funds for a preneed funeral contract or other prepayment of funeral expenses without a registration to sell preneed funeral contracts; or is registered to sell preneed funeral contracts and fails to deposit the funds in trust or to timely remit premium payments from consumers to the insurer as provided in Section 75-63-59 and Section 75-63-61, respectively.

The State Board of Funeral Service shall make written notification to the Secretary of State of all license suspensions and revocations issued by the board as well as written notification for all new licenses issued by the board. The Secretary of State shall make written notification to the board of all registration suspensions, revocations, orders of cease and desist, and administrative penalties imposed by the Secretary of State under Article 3, Chapter 11, Title 73, Mississippi Code of 1972.

SECTION 12. Section 73-11-58, Mississippi Code of 1972, is reenacted as follows:

73-11-58. (1) If a decedent has left no written authorization for the cremation and/or disposition of the decedent's body as permitted by law, any of the following persons, in the order of priority listed below, may authorize any lawful manner of disposition of the decedent's body by completion of a written instrument:

(a) The person designated by the decedent as authorized to direct disposition pursuant to Public Law No. 109-163, Section 564, as listed on the decedent's United States Department of Defense Record of Emergency Data, DD Form 93, or its successor form, if the decedent died during military service, as provided in 10 USC Section 1481(a)(1) through (8), in any branch of the United States Armed Forces, United States Reserve Forces or National Guard.

(b) The surviving spouse.

(c) A surviving child who is at least eighteen (18) years of age.

(d) A grandchild who is at least eighteen (18) years of age.

(e) Either surviving parent.

(f) A surviving sibling who is at least eighteen (18) years of age.

(g) A person acting as a representative of the decedent under a signed authorization of the decedent.

(h) The guardian of the person of the decedent at the time of the decedent's death, if a guardian has been appointed.

(i) A person in the class of the next degree of kinship, in descending order, who, under state law, would inherit the decedent's estate if the decedent died intestate and who is at least eighteen (18) years of age.

(j) A person who has exhibited special care and concern for the decedent and is willing and able to make decisions about the cremation and disposition.

(k) In the case of individuals who have donated their bodies to science or whose death occurred in a nursing home or private institution and in which the institution is charged with making arrangements for the final disposition of the decedent, a representative of the institution may serve as the authorizing agent in the absence of any of the above.

(l) In the absence of any of the above, any person willing to assume responsibility for the cremation and disposition of the decedent.

(m) In the case of indigents or any other individuals whose final disposition is the responsibility of the state or any of its instrumentalities, a public administrator, medical examiner, coroner, state-appointed guardian, or any other public official charged with arranging the final disposition of the decedent may serve as the authorizing agent.

(2) No funeral establishment shall accept a dead human body from any public officer or employee or from the official of any institution, hospital or nursing home, or from a physician or any person having a professional relationship with a decedent, without having first made due inquiry as to the desires of the persons who have the legal authority to direct the disposition of the decedent's body. If any persons are found, their authority and

directions shall govern the disposal of the remains of the decedent. Any funeral establishment receiving the remains in violation of this subsection shall make no charge for any service in connection with the remains before delivery of the remains as stipulated by the persons having legal authority to direct the disposition of the body. This section shall not prevent any funeral establishment from charging and being reimbursed for services rendered in connection with the removal of the remains of any deceased person in case of accidental or violent death and rendering necessary professional services required until the persons having legal authority to direct the disposition of the body have been notified.

(3) A person who does not exercise his or her right to dispose of the decedent's body under subsection (1) of this section within five (5) days of notification or ten (10) days from the date of the death, whichever is earlier, shall be deemed to have waived his or her right to authorize disposition of the decedent's body or contest disposition in accordance with this section. If, during the aforesaid time period, the funeral director, funeral service practitioner and/or funeral establishment has been provided contrary written consent from members of the same class with the highest priority as to the disposition of the decedent's body, the licensed funeral director or service practitioner or funeral establishment shall act in accordance with the directive of the greatest number of consents

received from members of the class. If that number is equal, the funeral director or funeral service practitioner and/or the funeral establishment shall act in accordance with the earlier consent unless the person(s) providing the later consent is granted an order from a court of competent jurisdiction in which the funeral establishment is located.

(4) If no consent for the embalming, cremation or other disposition of a dead human body from any of the relatives or interested persons or institutions listed above in subsection (1) is received within ten (10) days of the decedent's death, the coroner for, or other person designated by, the county in which the funeral establishment is located is authorized to sign the consent authorizing the disposition of the decedent's remains.

(5) If none of the parties listed above in subsection (1) is financially capable of providing for the cremation, embalming or disposition of a dead human body, the coroner for, or other person designated by, the county in which the funeral establishment is located is authorized to sign the consent authorizing the disposition of the decedent's remains.

(6) The licensed funeral director, funeral service practitioner or funeral establishment shall have authority to control the disposition of the remains of a decedent and proceed to recover the costs for the disposition when: (a) none of the persons or parties described above in subsection (1)(a) through (l) assume responsibility for the disposition of the remains, and

(b) the coroner or other public official designated in subsection (1)(m) fails to assume responsibility for disposition of the remains within seven (7) days after having been given written notice of the facts. Written notice may be made by personal delivery, United States mail, facsimile or transmission. The method of disposition must be in the least costly and most environmentally sound manner that complies with law, and that does not conflict with known wishes of the decedent.

(7) A funeral director, funeral service and/or funeral establishment licensee acting in accordance with this section, or attempting in good faith to act in accordance with this section, shall not be subject to criminal prosecution or civil liability for carrying out the otherwise lawful instructions of the person or persons described in this section.

(8) The liability for the reasonable cost of the final disposition of the remains of the decedent devolves upon the individual or entity authorizing the disposition and/or upon the estate of the decedent and, in cases when the county board of supervisors has the right to control the disposition of the remains under this section, upon the county in which the death occurred.

SECTION 13. Section 73-11-59, Mississippi Code of 1972, is reenacted as follows:

73-11-59. Any person, partnership, corporation, association or his or her or its agents or representatives who shall violate

any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of Five Thousand Dollars ($5,000.00), or by imprisonment for not more than six (6) months in the county jail, or by both such fine and imprisonment.

SECTION 14. Section 73-11-61, Mississippi Code of 1972, is reenacted as follows:

73-11-61. Every funeral director or funeral service licensee shall provide, before the rendering of services, the funeral establishment's current general price list, casket price list, outer container price list, and a statement of goods and services to the person or persons who authorize the services and is responsible for payment of the expenses therefor, in a manner and format as prescribed by the Federal Trade Commission's Funeral Rule of 1984 and any future changes with regard to required disclosures. The general price list must be made available to any person upon request.

SECTION 15. Section 73-11-63, Mississippi Code of 1972, is reenacted as follows:

73-11-63. Nothing in this chapter shall be construed to authorize the regulation or licensing of cemeteries or cemetery chapels by the board, except the regulation or licensing of any funeral establishment operated by a cemetery. In addition, nothing in this chapter shall be construed to prevent or interfere with the ceremonies, customs, religious rites or religion of any

people, denomination, or sect, or to prevent or interfere with any religious denomination, sect or anybody composed of persons of a denomination, or to prevent or interfere with any church or synagogue from having its committee or committees prepare human bodies for burial or the families, friends or neighbors of deceased persons who prepare and bury their dead without charge.

SECTION 16. Section 73-11-65, Mississippi Code of 1972, is reenacted as follows:

73-11-65. Every funeral service or interment, or part thereof, that is conducted in Mississippi must be in the actual charge and under the supervision of a funeral director or funeral service licensee who is licensed under this chapter. However, this section shall not prevent a family from burying its own dead without charge.

SECTION 17. Section 73-11-67, Mississippi Code of 1972, is reenacted as follows:

73-11-67. (1) Every person, establishment or company not licensed under this chapter that sells caskets at retail shall register annually with the board. The names of registrants under this section shall be made available to any person upon request during the regular business hours of the board. The procedure for conducting a disciplinary proceeding against any casket retailer accused of failing to register with the board, as well as the penal sanctions available to the board, shall be the same as those set forth in Section 73-11-57.

(2) Any person, establishment or company required to register under subsection (1) of this section that sells preneed contracts for caskets, either directly or indirectly or through an agent, shall be required to meet all of the requirements of Sections 75-63-51 through 75-63-75 that are applicable to preneed contracts for funeral services under those sections. For the purposes of this section, the term "preneed contract for caskets" means any contract, agreement or any series or combination of contracts or agreements, whether funded by trust deposits or insurance, or any combination thereof, that is for the purpose of furnishing or delivering a casket or caskets for the final disposition of a dead human body, to be furnished or delivered at a time determinable by the death of the person whose body is to be disposed of.

SECTION 18. Section 73-11-69, Mississippi Code of 1972, is reenacted and amended as follows:

73-11-69. (1) No person or party shall conduct, maintain, manage or operate a crematory unless a license for each such crematory has been issued by the board and is conspicuously displayed in such crematory.

(2) The operator of a crematory facility shall issue a certificate of cremation to the family of each person cremated in the facility. In addition, the operator of the crematory facility shall maintain a log of all cremations performed in the facility,

and this log shall match the certificates of cremation that have been issued by the facility.

(3) No operator of a crematory facility shall knowingly represent that an urn or temporary container contains the recovered cremated remains of specific decedent or of body parts removed from a specific decedent when it does not. This subsection does not prohibit the making of such a representation because of the presence in the recovered cremated remains of de minimis amounts of the cremated remains of another decedent or of body parts.

(4) The board shall inspect each licensed crematory facility during each licensure period, and at such other times as necessary, to verify that the crematory facility is in compliance with the requirements of this section. Any person who operates a crematory facility in this state without a license, or any person who otherwise violates any provision of this section, is guilty of a felony. Upon conviction for a violation of this section, in addition to any penalty that may be imposed by the court, the board may revoke the person's crematory facility license.

(5) If the retort of a crematory becomes in need of repair, then the operator of the crematory shall notify the board in writing and by telephone within forty-eight (48) hours of discovery of the need to repair, and no cremation shall be made from the time of discovery until satisfactory proof is provided to the board that the repair has been made.

(6) The board may promulgate such rules and regulations as deemed necessary for the proper licensure and regulation of crematory facilities in this state. Such rules and regulations shall include, but not be limited to, the following: crematory facility requirements, identification of deceased human beings, cremation process, processing of remains, * * * commingling of human remains, disposition of cremated remains, removal of human remains and proper documentation requirements as prescribed by state agencies.

(7) Any crematory or funeral establishment may dispose of any remains unclaimed by the family after twelve (12) months after cremation by scattering or burial upon a final notification to the next of kin by certified mail to their last-known address.

(8) The crematory retort operator must be a certified crematory operator as defined in Section 73-11-41.

(9) No crematory facility licensed by the board shall be used for the cremation of deceased animals.

(10) A crematory may be constructed on or adjacent to any cemetery, on or adjacent to any funeral establishment, or at any other location consistent with local zoning regulations.

SECTION 19. Section 73-11-71, Mississippi Code of 1972, is reenacted as follows:

73-11-71. (1) Upon the completion of each cremation, and insofar as is practicable, all of the recoverable residue of the cremation process shall be removed from the crematory and placed

in a separate container so that the residue may not be commingled with the cremated remains of other persons. Cremated remains of a dead human shall not be divided or separated without the prior written consent from the person entitled to control the disposition of the cremated remains.

(2) Written acknowledgement from the person entitled to control the disposition of the cremated remains shall be obtained by the person with whom arrangements are made for disposition of the remains on a form that includes, but is not limited to, the following information:

"The human body burns with the casket, container or other material in the cremation chamber. Some bone fragments are not combustible at the incineration temperature and, as a result, remain in the cremation chamber. During the cremation, the contents of the chamber may be moved to facilitate incineration. The chamber is composed of ceramic or other material which disintegrates slightly during each cremation and the produce of that disintegration is commingled with the cremated remains. Nearly all of the contents of the cremation chamber, consisting of the cremated remains, disintegrated chamber material, and small amounts of residue from previous cremations, are removed together and crushed, pulverized or ground to facilitate inurnment or scattering. Some residue remains in the

cracks and uneven places of the chamber. Periodically, the accumulation of this residue is removed and interred in a dedicated cemetery property or appropriate area."

The acknowledgment shall be filed and retained for at least three (3) years by the person who disposes of or inters the remains.

SECTION 20. Section 73-11-73, Mississippi Code of 1972, is reenacted as follows:

73-11-73. (1) A funeral establishment and its employees, licensees and/or representatives shall not respond to a death call unless properly contacted and requested to so respond. No person or entity subject to regulation under this chapter shall remove or cause to be removed any dead human body from the place of death or take or cause to take custody of a dead human body without the permission of the next of kin or authorized representative, in the order of priority specified in Section 73-11-58, of the deceased.

(2) Dead human bodies may be picked up on first call or removed by a funeral director or funeral service practitioner licensed by the board or under the direction of the licensed funeral director or funeral service practitioner. When a licensed funeral director or funeral service practitioner directs another to make a first call or removal of a dead human body, he accepts, in every manner, full responsibility for all aspects of the first call or removal.

(3) A licensed funeral establishment or other licensee of the board shall not embalm or cremate a dead human body without the prior written or oral consent of the next of kin or authorizing agent or representative of the deceased for each body that is placed under its care and custody. In determining who the proper next of kin is or authorizing agent or representative of the deceased, the order of priority is the same as provided in Section 73-11-58.

(4) The licensed funeral establishment or licensee responsible for the embalming or cremation of the dead human body shall create a written record of an oral consent given under this section that includes all of the following:

(a) The name of the authorizing agent;

(b) The relation of the authorizing agent to the deceased;

(c) The date and time that consent was given;

(d) The name of the person who obtained the consent; and

(e) Any other information required by the board.

SECTION 21. Section 73-11-33, Mississippi Code of 1972, is amended as follows:

73-11-33. Sections 73-11-41 through 73-11-73, which create the State Board of Funeral Service and prescribe its duties and powers, shall stand repealed on July 1, * * * 2025.

SECTION 22. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2119

Description: Pseudoephedrine and ephedrine; authorize sales and purchase of certain products containing without a prescription.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: January 1, 2022

History of Actions:

1	01/08	(S)	Referred To Drug Policy; Judiciary, Division B
2	01/26	(S)	DR - TSDPCS: DP To JB
3	01/27	(S)	Title Suff Do Pass Comm Sub
4	02/04	(S)	Committee Substitute Adopted
5	02/04	(S)	Amended
6	02/04	(S)	Passed As Amended {Vote}
7	02/05	(S)	Transmitted To House
8	02/24	(H)	Referred To Drug Policy
9	03/01	(H)	Title Suff Do Pass
10	03/09	(H)	Passed {Vote}
11	03/10	(H)	Returned For Enrolling
12	03/11	(S)	Enrolled Bill Signed
13	03/11	(H)	Enrolled Bill Signed
14	03/17		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

Code Section: A 041-0029-0117

----- Additional Information -----

Senate Committee: Drug Policy, Judiciary, Division B
House Committee: Drug Policy

Principal Author: Fillingane
Additional Authors: Hill, McDaniel, Jackson (11th), Jordan, Sojourner

Title: AN ACT TO AUTHORIZE PHARMACIES TO SELL AND PERSONS TO PURCHASE, WITHOUT A PRESCRIPTION, PRODUCTS THAT CONTAIN

CERTAIN QUANTITIES OF PSEUDOEPHEDRINE OR EPHEDRINE; TO REQUIRE PHARMACIES SELLING PRODUCTS AUTHORIZED UNDER THIS ACT TO USE THE NPLEX SYSTEM BEFORE SELLING THOSE PRODUCTS; TO REQUIRE PHARMACIES TO MAINTAIN AN ELECTRONIC LOG OF REQUIRED INFORMATION FOR EACH TRANSACTION; TO REQUIRE THE PURCHASER OF THE PACKAGE TO BE AT LEAST EIGHTEEN YEARS OF AGE, AS SHOWN BY VALID IDENTIFICATION, AND TO SIGN A RECORD OF EACH TRANSACTION; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2119

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Fillingane, Hill, McDaniel, Jackson (11th), Jordan, Sojourner

To: Drug Policy; Judiciary, Division B

SENATE BILL NO. 2119
(As Passed the Senate)

AN ACT TO AUTHORIZE PHARMACIES TO SELL AND PERSONS TO PURCHASE, WITHOUT A PRESCRIPTION, PRODUCTS THAT CONTAIN CERTAIN QUANTITIES OF PSEUDOEPHEDRINE OR EPHEDRINE; TO REQUIRE PHARMACIES SELLING PRODUCTS AUTHORIZED UNDER THIS ACT TO USE THE NPLEX SYSTEM BEFORE SELLING THOSE PRODUCTS; TO REQUIRE PHARMACIES TO MAINTAIN AN ELECTRONIC LOG OF REQUIRED INFORMATION FOR EACH TRANSACTION; TO REQUIRE THE PURCHASER OF THE PACKAGE TO BE AT LEAST EIGHTEEN YEARS OF AGE, AS SHOWN BY VALID IDENTIFICATION, AND TO SIGN A RECORD OF EACH TRANSACTION; TO PROVIDE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; TO AMEND SECTION 41-29-117, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) (a) It is lawful for a pharmacy registered under Section 73-21-105 to sell or distribute to a person, without a prescription, products containing not more than three and six tenths (3.6) grams per day and not more than seven and two tenths (7.2) grams per thirty-day period of pseudoephedrine or ephedrine, and it is lawful for a person to purchase products containing those ingredients from a registered pharmacy without a prescription.

(b) All products authorized under this subsection (1) must be stored by a pharmacy by placing the products behind a

counter in an area within the pharmacy where the public is not permitted.

(c) Any products authorized under this subsection (1) sold by a pharmacy must be sold by an individual licensed as a pharmacist or by an employee of the pharmacy under the direct supervision and control of a licensed pharmacist.

(d) No pharmacy may sell or distribute, and no person may purchase, more products than allowed under this section unless by valid prescription. It is not a defense in a prosecution under this section that no money was exchanged during a transaction that would otherwise be unlawful under this section.

(2) A pharmacy selling products in a manner authorized under subsection (1) of this section must:

(a) Use the National Precursor Log Exchange (NPLEx) system administered by the National Association of Drug Diversion Investigators, provided that the system is available to pharmacies or retailers in the state without a charge for accessing the NPLEx system, before completing the over-the-counter sale of each product authorized under subsection (1) of this section. Before completing a sale of an over-the-counter material, compound, mixture, or preparation containing any detectable quantity of pseudoephedrine or ephedrine, its salts or optical isomers, or salts of optical isomers a pharmacy or retailer shall electronically submit the information required under subsection (b) of this subsection (2) to the NPLEx system. The pharmacy or

retailer shall not complete the sale if the NPLEx system generates a stop-sale alert. The system shall contain an override function that may be used by an agent of a retail establishment who is dispensing the drug product, and who has a reasonable fear of imminent bodily harm if the transaction is not completed. The system shall create a record of each use of the override mechanism.

(b) Maintain an electronic log of required information for each transaction, and require the purchaser of the package to be at least eighteen (18) years of age and provide a valid, unsuspended driver's license or nondriver identification card issued by this state or another state, a United States Uniformed Services Privilege and Identification Card, or a United States or foreign passport, and to sign a written or electronic log attesting to the validity of the information provided for each transaction. The record of each transaction must include the information from the identification card as well as the type of and government entity issuing the identification card used, the name, date of birth, and current address of the purchaser, the date and time of the sale, the name of the compound, mixture, or preparation being sold, and the total amount, in grams or milligrams, of pseudoephedrine or ephedrine being sold.

(c) Maintain a written log or an alternative electronic recordkeeping mechanism if a pharmacy or retailer experiences mechanical or electronic failure of the required electronic

tracking system until such time as the pharmacy or retailer is able to comply with the electronic sales-tracking requirement. No person shall purchase, receive or otherwise acquire more than three and six-tenths (3.6) grams per day or seven and two-tenths (7.2) grams of pseudoephedrine or ephedrine within any thirty-day period.

(3) The National Association of Drug Diversion Investigators shall provide real-time access to the NPLEx information through the NPLEx online portal to law enforcement in the state.

(4) (a) Pseudoephedrine and ephedrine products dispensed pursuant to a legitimate prescription are exempt from this section.

(b) The amounts of pseudoephedrine and ephedrine products dispensed to a person pursuant to a legitimate prescription shall not be considered under subsection (1)(a) of this section.

(5) A violation of this section is a misdemeanor and is punishable as follows:

(a) For a first offense, by a fine not to exceed One Thousand Dollars ($1,000.00).

(b) For a second or subsequent offense, by a fine not to exceed Ten Thousand Dollars ($10,000.00).

(6) A pharmacist who is the general owner or operator of an establishment where pseudoephedrine and ephedrine products are

available for sale shall not be penalized under this section for the conduct of an employee if the retailer documents that an employee training program approved by the Mississippi Board of Pharmacy was conducted by the pharmacist. The Mississippi Board of Pharmacy shall develop or approve all training programs for pharmacy employees.

(7) A person who resides in a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, or who presents identification from a state that requires a prescription for the purchase of pseudoephedrine or ephedrine, may purchase those products only upon presentation of a valid prescription for the pseudoephedrine or ephedrine.

(8) This section shall stand repealed on January 1, 2024.

SECTION 2. Section 41-29-117, Mississippi Code of 1972, is amended as follows:

41-29-117. (A) The controlled substances listed in this section are included in Schedule III.

SCHEDULE III

(a) **Stimulants.** Any material, compound, mixture, or preparation which contains any quantity of the following substances or their salts, isomers, or salts of isomers, of the following substances:

(1) Benzphetamine;

(2) Chlorphentermine;

(3) Clortermine;

(4) Phendimetrazine.

(b) **Depressants.** Unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid, except those substances which are specifically listed in other schedules;

(2) Unless specifically excepted or unless listed in another schedule, any compound, mixture or preparation containing any of the following substances or any salt of the substances specifically included in this subsection (2) and one or more other active medicinal ingredients which are not listed in any other schedule:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

(3) Any suppository dosage form containing any of the following substances or any salt of any of the substances specifically included in this subsection (3) approved by the Food and Drug Administration for marketing only as a suppository:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

(4) Chlorhexadol;

(5) Embutramide;

(6) Any drug product containing gamma-hydroxybutyric acid, including its salts, isomers and salts of isomers, for which an application is approved under Section 505 of the Federal Food, Drug and Cosmetic Act;

(7) Ketamine; its salts, isomers, and salts of isomers; other names include (+)-2-(2-chlorophenyl)-2-(methylamino)cyclohexanone;

(8) Lysergic acid;

(9) Lysergic acid amide;

(10) Methyprylon;

(11) Perampanel; its salts, isomers, and salts of isomers;

(12) Sulfondiethylmethane;

(13) Sulfonethylmethane;

(14) Sulfonmethane;

(15) Tiletamine and zolazepam or any salt thereof; other names for the tiletamine and zolazepam combination product include: telazol; other names for tiletamine include: 2-(ethylamino)-2-(2-thienyl)-cyclohexanone; other names for zolazepam include: 4-(2-fluorophenyl)-6,8-dihydro 1,3, 8-trimethylpyrazolo-[3,4-e](1,4)-diazepin-7(1H)-one, flupyrazapon.

(c) Nalorphine.

(d) Any material, compound, mixture or preparation which contains any quantity of ephedrine or pseudoephedrine,

except for any product that contains any quantity of pseudoephedrine or ephedrine that is sold subject to the quantity restrictions authorized in Section 1 of this act.

(e) **Narcotic drugs.** Any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof:

(1) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than one and eight-tenths (1.8) grams of codeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than one and eight-tenths (1.8) grams of dihydrocodeine, or any of its salts, per one hundred (100) milliliters or not more than ninety (90) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(4) Not more than three hundred (300) milligrams of ethylmorphine, or any of its salts, per one hundred (100) milliliters or not more than fifteen (15) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than five hundred (500) milligrams of opium per one hundred (100) milliliters or per one hundred (100) grams, or not more than twenty-five (25) milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than fifty (50) milligrams of morphine, or any of its salts, per one hundred (100) milliliters or per one hundred (100) grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

(f) **Anabolic steroids**. Unless specifically exempted or listed in another schedule, any material, compound, mixture or preparation containing any quantity of any of the following anabolic steroids (any drug or hormonal substance chemically and pharmacologically related to testosterone other than estrogens, progestins, corticosteroids and dehydroepiandrosterone):

(1) 3beta,17-dihydroxy-5a-androstane;

(2) 3alpha,17beta-dihydroxy-5a-androstane;

(3) 5alpha-androstan-3,17-dione;

(4) 1-androstenediol (3beta,17beta-dihydroxy-5alpha-androst-1-ene);

(5) 1-androstenediol (3alpha,17beta-dihydroxy-5alpha-androst-1-ene);

(6) 4-androstenediol (3beta,17beta-dihydroxy-androst-4-ene);

(7) 5-androstenediol (3beta,17beta-dihydroxy-androst-5-ene);

(8) 1-androstenedione ([5alpha]-androst-1-en-3, 17-dione);

(9) 4-androstenedione (androst-4-en-3,17-dione);

(10) 5-androstenedione (androst-5-en-3,17-dione);

(11) Bolasterone (7alpha,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(12) Boldenone (17beta-hydroxyandrost-1,4,-diene-3-one);

(13) Boldione (androsta-1,4-diene-3,17-dione);

(14) Calusterone (7beta,17alpha-dimethyl-17beta-hydroxyandrost-4-en-3-one);

(15) Clostebol (4-chloro-17beta-hydroxyandrost-4-en-3-one);

(16) Dehydrochloromethyltestosterone (4-chloro-17beta-hydroxy-17alpha-methylandrost-1,4-dien-3-one);

(17) Desoxymethyltestosterone (17alpha-methyl-5alpha-androst-2-en-17beta-ol, also known as madol);

(18) Delta1-dihydrotestosterone (also known as 1-testosterone) (17beta-hydroxy-5alpha-androst-1-en-3-one);

(19) 4-dihydrotestosterone (17beta-hydroxy-androstan-3-one);

(20) Drostanolone (17beta-hydroxy-2alpha-methyl-5alpha-androstan-3-one);

(21) Ethylestrenol (17alpha-ethyl-17beta-hydroxyestr-4-ene);

(22) Fluoxymesterone (9-fluoro-17alpha-methyl-11beta, 17beta-dihydroxyandrost-4-en-3-one);

(23) Formebolone (2-formyl-17alpha-methyl-11alpha,17beta-dihydroxyandrost-1, 4-dien-3-one);

(24) Furazabol (17alpha-methyl-17beta-hydroxyandrostano[2,3-c]-furazan);

(25) 13beta-ethyl-17alpha-hydroxygon-4-en-3-one;

(26) 4-hydroxytestosterone (4,17beta-dihydroxyandrost-4-en-3-one);

(27) 4-hydroxy-19-nortestosterone (4,17beta-dihydroxy-estr-4-en-3-one);

(28) Mestanolone (17alpha-methyl-17beta-hydroxy-5-androstan-3-one);

(29) Mesterolone (1alpha-methyl-17beta-hydroxy-[5alpha]-androstan-3-one);

(30) Methandienone (17alpha-methyl-17beta-hydroxyandrost-1,4-dien-3-one);

(31) Methandriol (17alpha-methyl-3beta, 17beta-dihydroxyandrost-5-ene);

(32) Methasterone (2[alpha], 17[alpha]-dimethyl-5[alpha]-androstan-17[beta]-ol-3-one;

(33) Methenolone (1-methyl-17beta-hydroxy-5alpha-androst-1-en-3-one);

(34) 17alpha-methyl-3beta, 17beta-dihydroxy-5a-androstane;

(35) 17alpha-methyl-3alpha, 17beta-dihydroxy-5a-androstane;

(36) 17alpha-methyl-3beta, 17beta-dihydroxyandrost-4-ene;

(37) 17alpha-methyl-4-hydroxynandrolone (17alpha-methyl-4-hydroxy-17beta-hydroxyestr-4-en-3-one);

(38) Methyldienolone (17alpha-methyl-17beta-hydroxyestra-4,9(10)-dien-3-one);

(39) Methyltrienolone (17alpha-methyl-17beta-hydroxyestra-4,9-11-trien-3-one);

(40) Methyltestosterone (17alpha-methyl-17beta-hydroxyandrost-4-en-3-one);

(41) Mibolerone (7alpha,17alpha-dimethyl-17beta-hydroxyestr-4-en-3-one);

(42) 17alpha-methyl-Delta1-dihydrotestosterone (17b beta-hydroxy-17alpha-methyl-5alpha-androst-1-en-3-one) (also known as 17-alpha-methyl-1-testosterone);

(43) Nandrolone (17beta-hydroxyestr-4-en-3-one);

(44) 19-nor-4-androstenediol (3beta,17beta-dihydroxyestr-4-ene);

(45) 19-nor-4-androstenediol (3a,17beta-dihydroxyestr-4-ene);

(46) 19-nor-5-androstenediol (3beta,17beta-dihydroxyestr-5-ene);

(47) 19-nor-5-androstenediol (3alpha,17beta-dihydroxyestr-5-ene);

(48) 19-nor-4,9(10)-androstadienedione (estra-4,9(10)-diene3,17-dione, 19-norandrosta-4,9(10)-diene-3,17-dione);

(49) 19-nor-4-androstenedione (estr-4-en-3,17-dione);

(50) 19-nor-5-androstenedione (estr-5-en-3,17-dione);

(51) Norbolethone (13beta,17alpha-diethyl-17beta-hydroxygon-4-en-3-one);

(52) Norclostebol (4-chloro-17beta-hydroxyestr-4-en-3-one);

(53) Norethandrolone (17alpha-ethyl-17beta-hydroxyestr-4-en-3-one);

(54) Normethandrolone (17alpha-methyl-17beta-hydroxyestr-4-en-3-one);

(55) Oxandrolone (17alpha-methyl-17beta-hydroxy-2-oxa-[5alpha]-androstan-3-one);

(56) Oxymesterone (17alpha-methyl-4,17beta-dihydroxyandrost-4-en-3-one);

(57) Oxymetholone (17alpha-methyl-2-hydroxymethylene-17beta-hydroxy-[5alpha]-androstan-3-one);

(58) Prostanozol (17[beta]-hydroxy-5[alpha]-androstano[3,2-c]pyrazole)

(59) Stanozolol (17alpha-methyl-17beta-hydroxy-[5alpha]-androst-2-eno[3,2-c]-pyrazole);

(60) Stenbolone (17beta-hydroxy-2-methyl-[5alpha]-androst-1-en-3-one);

(61) Testolactone (13-hydroxy-3-oxo-13,17-secoandrosta-1,4-dien-17-oic acid lactone);

(62) Testosterone (17beta-hydroxyandrost-4-en-3-one);

(63) Tetrahydrogestrinone (13beta,17alpha-diethyl-17beta-hydroxygon-4,9,11-trien-3-one);

(64) Trenbolone (17beta-hydroxyestr-4,9,11-trien-3-one);

(65) Any salt, ester, or ether of a drug or substance described in this paragraph. Except such term does not include an anabolic steroid that is expressly intended for administration through implants to cattle or other nonhuman

species and that has been approved by the Secretary of Health and Human Services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use, the person shall be considered to have prescribed, dispensed or distributed an anabolic steroid within the meaning of this paragraph.

(g) Any material, compound, mixture or preparation which contains any quantity of buprenorphine or its salts.

(h) Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product.

(B) Any material, compound, mixture or preparation which contains any quantity of a Schedule III controlled substance other than butalbital, and is listed as an exempt substance in 21 CFR, Section 1308.22, 1308.24, 1308.26, 1308.32 or 1308.34, shall be exempted from the provisions of the Uniform Controlled Substances Law.

SECTION 3. This act shall take effect and be in force from and after January 1, 2022.

Mississippi Legislature
2021 Regular Session

Senate Bill 2124

Description: Mississippi Department of Employment Security; revise various provisions regarding authority of.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Three/Fifths
Effective date: July 1, 2021

History of Actions:

1	01/08	(S)	Referred To Economic and Workforce Development
2	01/27	(S)	Title Suff Do Pass Comm Sub
3	02/03	(S)	Committee Substitute Adopted
4	02/03	(S)	Passed {Vote}
5	02/04	(S)	Transmitted To House
6	02/24	(H)	Referred To Workforce Development
7	03/02	(H)	Title Suff Do Pass As Amended
8	03/09	(H)	Amendment Tabled
9	03/09	(H)	Passed {Vote}
10	03/10	(H)	Returned For Enrolling
11	03/12	(S)	Enrolled Bill Signed
12	03/12	(H)	Enrolled Bill Signed
13	03/17		Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 071-0005-0011, A 071-0005-0365, A 071-0005-0363, A 071-0005-0389, A 071-0005-0355

----- Additional Information -----

Senate Committee: Economic and Workforce Development
House Committee: Workforce Development

Principal Author: Parker

Title: AN ACT TO AMEND SECTION 71-5-11, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF "UNEMPLOYMENT" TO EXCLUDE INDIVIDUALS RECEIVING VOLUNTARY PAYMENTS FROM EMPLOYERS IF

THOSE PAYMENTS EQUAL THEIR REGULAR SALARY AND INDIVIDUALS ON ADMINISTRATIVE LEAVE; TO AMEND THE DEFINITION OF "WAGES" TO INCLUDE PAYMENTS FROM EMPLOYERS THAT ARE IN LIEU OF THE EMPLOYEE'S REGULAR WAGES; TO AMEND SECTION 71-5-365, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT SECURITY TO DESIGNATE A DEPARTMENT EMPLOYEE TO DETERMINE WHETHER AN EMPLOYER REPORT ON CONTRIBUTIONS DUE IS INCORRECT OR INSUFFICIENT, MAKE AN ASSESSMENT ON BEST INFORMATION AVAILABLE, ASSESS THE CONTRIBUTIONS DUE, AND ASSESS A PENALTY IF ONE IS NEEDED FOR NONCOMPLIANT EMPLOYERS; TO AMEND SECTION 71-5-363, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT SECURITY TO ABATE INTEREST ACCRUED ON PAST-DUE CONTRIBUTIONS OR OVERPAYMENTS WHEN NEGOTIATING THE SETTLEMENTS OF SUCH PAST-DUE AMOUNTS; TO AMEND SECTION 71-5-389, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT TAX OFFSETS ARE FROM BOTH THE MISSISSIPPI DEPARTMENT OF REVENUE AND THE UNITED STATES DEPARTMENT OF TREASURY; TO AMEND SECTION 71-5-355, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A PERSON WHO ACQUIRES A BUSINESS SOLELY TO OBTAIN A LOWER RATE OF UNEMPLOYMENT INSURANCE CONTRIBUTIONS SHALL HAVE A 2% INCREASE IN THE TAX RATE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2124

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Parker

To: Economic and Workforce Development

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2124

AN ACT TO AMEND SECTION 71-5-11, MISSISSIPPI CODE OF 1972, TO AMEND THE DEFINITION OF "UNEMPLOYMENT" TO EXCLUDE INDIVIDUALS RECEIVING VOLUNTARY PAYMENTS FROM EMPLOYERS IF THOSE PAYMENTS EQUAL THEIR REGULAR SALARY AND INDIVIDUALS ON ADMINISTRATIVE LEAVE; TO AMEND THE DEFINITION OF "WAGES" TO INCLUDE PAYMENTS FROM EMPLOYERS THAT ARE IN LIEU OF THE EMPLOYEE'S REGULAR WAGES; TO AMEND SECTION 71-5-365, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT SECURITY TO DESIGNATE A DEPARTMENT EMPLOYEE TO DETERMINE WHETHER AN EMPLOYER REPORT ON CONTRIBUTIONS DUE IS INCORRECT OR INSUFFICIENT, MAKE AN ASSESSMENT ON BEST INFORMATION AVAILABLE, ASSESS THE CONTRIBUTIONS DUE, AND ASSESS A PENALTY IF ONE IS NEEDED FOR NONCOMPLIANT EMPLOYERS; TO AMEND SECTION 71-5-363, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EMPLOYMENT SECURITY TO ABATE INTEREST ACCRUED ON PAST-DUE CONTRIBUTIONS OR OVERPAYMENTS WHEN NEGOTIATING THE SETTLEMENTS OF SUCH PAST-DUE AMOUNTS; TO AMEND SECTION 71-5-389, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT TAX OFFSETS ARE FROM BOTH THE MISSISSIPPI DEPARTMENT OF REVENUE AND THE UNITED STATES DEPARTMENT OF TREASURY; TO AMEND SECTION 71-5-355, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT A PERSON WHO ACQUIRES A BUSINESS SOLELY TO OBTAIN A LOWER RATE OF UNEMPLOYMENT INSURANCE CONTRIBUTIONS SHALL HAVE A 2% INCREASE IN THE TAX RATE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 71-5-11, Mississippi Code of 1972, is amended as follows:

71-5-11. As used in this chapter, unless the context clearly requires otherwise:

A. "Base period" means the first four (4) of the last five (5) completed calendar quarters immediately preceding the first day of an individual's benefit year.

B. "Benefit year" with respect to any individual means the period beginning with the first day of the first week with respect to which he or she first files a valid claim for benefits, and ending with the day preceding the same day of the same month in the next calendar year; and, thereafter, the period beginning with the first day of the first week with respect to which he or she next files his or her valid claim for benefits, and ending with the day preceding the same day of the same month in the next calendar year. Any claim for benefits made in accordance with Section 71-5-515 shall be deemed to be a "valid claim" for purposes of this subsection if the individual has been paid the wages for insured work required under Section 71-5-511(e).

C. "Contributions" means the money payments to the State Unemployment Compensation Fund required by this chapter.

D. "Calendar quarter" means the period of three (3) consecutive calendar months ending on March 31, June 30, September 30, or December 31.

E. "Department" or "commission" means the Mississippi Department of Employment Security, Office of the Governor.

F. "Executive director" means the Executive Director of the Mississippi Department of Employment Security, Office of the Governor, appointed under Section 71-5-107.

G. "Employing unit" means this state or another state or any instrumentalities or any political subdivisions thereof or any of their instrumentalities or any instrumentality of more than one (1) of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions, any Indian tribe as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), which includes any subdivision, subsidiary or business enterprise wholly owned by such Indian tribe, any individual or type of organization, including any partnership, association, trust, estate, joint-stock company, insurance company, or corporation, whether domestic or foreign, or the receiver, trustee in bankruptcy, trustee or successor thereof, or the legal representative of a deceased person, which has or had in its employ one or more individuals performing services for it within this state. All individuals performing services within this state for any employing unit which maintains two (2) or more separate establishments within this state shall be deemed to be employed by a single employing unit for all the purposes of this chapter. Each individual employed to perform or to assist in performing the work of any agent or employee of an employing unit shall be deemed to be employed by such employing unit for all purposes of this chapter, whether such individual was hired or paid directly by such employing unit or by such agent or employee, provided the employing unit had actual or constructive knowledge of the work. All individuals performing services in the employ of

an elected fee-paid county official, other than those related by blood or marriage within the third degree computed by the rule of the civil law to such fee-paid county official, shall be deemed to be employed by such county as the employing unit for all the purposes of this chapter. For purposes of defining an "employing unit" which shall pay contributions on remuneration paid to individuals, if two (2) or more related corporations concurrently employ the same individual and compensate such individual through a common paymaster which is one (1) of such corporations, then each such corporation shall be considered to have paid as remuneration to such individual only the amounts actually disbursed by it to such individual and shall not be considered to have paid as remuneration to such individual such amounts actually disbursed to such individual by another of such corporations.

H. "Employer" means:

(1) Any employing unit which,

(a) In any calendar quarter in either the current or preceding calendar year paid for service in employment wages of One Thousand Five Hundred Dollars ($1,500.00) or more, except as provided in paragraph (9) of this subsection, or

(b) For some portion of a day in each of twenty (20) different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year had in employment at least one (1) individual (irrespective of

whether the same individual was in employment in each such day), except as provided in paragraph (9) of this subsection;

(2) Any employing unit for which service in employment, as defined in subsection I(3) of this section, is performed;

(3) Any employing unit for which service in employment, as defined in subsection I(4) of this section, is performed;

(4) (a) Any employing unit for which agricultural labor, as defined in subsection I(6) of this section, is performed;

(b) Any employing unit for which domestic service in employment, as defined in subsection I(7) of this section, is performed;

(5) Any individual or employing unit which acquired the organization, trade, business, or substantially all the assets thereof, of another which at the time of such acquisition was an employer subject to this chapter;

(6) Any individual or employing unit which acquired its organization, trade, business, or substantially all the assets thereof, from another employing unit, if the employment record of the acquiring individual or employing unit subsequent to such acquisition, together with the employment record of the acquired organization, trade, or business prior to such acquisition, both within the same calendar year, would be sufficient to constitute an employing unit as an employer subject to this chapter under paragraph (1) or (3) of this subsection;

(7) Any employing unit which, having become an employer under paragraph (1), (3), (5) or (6) of this subsection or under any other provisions of this chapter, has not, under Section 71-5-361, ceased to be an employer subject to this chapter;

(8) For the effective period of its election pursuant to Section 71-5-361(3), any other employing unit which has elected to become subject to this chapter;

(9) (a) In determining whether or not an employing unit for which service other than domestic service is also performed is an employer under paragraph (1) or (4)(a) of this subsection, the wages earned or the employment of an employee performing domestic service, shall not be taken into account;

(b) In determining whether or not an employing unit for which service other than agricultural labor is also performed is an employer under paragraph (1) or (4)(b) of this subsection, the wages earned or the employment of an employee performing services in agricultural labor, shall not be taken into account. If an employing unit is determined an employer of agricultural labor, such employing unit shall be determined an employer for purposes of paragraph (1) of this subsection;

(10) All entities utilizing the services of any employee leasing firm shall be considered the employer of the individuals leased from the employee leasing firm. Temporary help firms shall be considered the employer of the individuals they

provide to perform services for other individuals or organizations.

I. "Employment" means and includes:

(1) Any service performed, which was employment as defined in this section and, subject to the other provisions of this subsection, including service in interstate commerce, performed for wages or under any contract of hire, written or oral, express or implied.

(2) Services performed for remuneration for a principal:

(a) As an agent-driver or commission-driver engaged in distributing meat products, vegetable products, fruit products, bakery products, beverages (other than milk), or laundry or dry-cleaning services;

(b) As a traveling or city salesman, other than as an agent-driver or commission-driver, engaged upon a full-time basis in the solicitation on behalf of, and the transmission to, a principal (except for sideline sales activities on behalf of some other person) of orders from wholesalers, retailers, contractors, or operator of hotels, restaurants, or other similar establishments for merchandise for resale or supplies for use in their business operations.

However, for purposes of this subsection, the term "employment" shall include services described in subsection I(2)(a) and (b) of this section, only if:

(i) The contract of service contemplates that substantially all of the services are to be performed personally by such individual;

(ii) The individual does not have a substantial investment in facilities used in connection with the performance of the services (other than in facilities for transportation); and

(iii) The services are not in the nature of a single transaction that is not part of a continuing relationship with the person for whom the services are performed.

(3) Service performed in the employ of this state or any of its instrumentalities or any political subdivision thereof or any of its instrumentalities or any instrumentality of more than one (1) of the foregoing or any instrumentality of any of the foregoing and one or more other states or political subdivisions or any Indian tribe as defined in Section 3306(u) of the Federal Unemployment Tax Act (FUTA), which includes any subdivision, subsidiary or business enterprise wholly owned by such Indian tribe; however, such service is excluded from "employment" as defined in the Federal Unemployment Tax Act by Section 3306(c)(7) of that act and is not excluded from "employment" under subsection I(5) of this section.

(4) (a) Services performed in the employ of a religious, charitable, educational, or other organization, but

only if the service is excluded from "employment" as defined in the Federal Unemployment Tax Act, 26 USCS Section 3306(c)(8), and

(b) The organization had four (4) or more individuals in employment for some portion of a day in each of twenty (20) different weeks, whether or not such weeks were consecutive, within the current or preceding calendar year, regardless of whether they were employed at the same moment of time.

(5) For the purposes of subsection I(3) and (4) of this section, the term "employment" does not apply to service performed:

(a) In the employ of:

(i) A church or convention or association of churches; or

(ii) An organization which is operated primarily for religious purposes and which is operated, supervised, controlled, or principally supported by a church or convention or association of churches; or

(b) By a duly ordained, commissioned, or licensed minister of a church in the exercise of his or her ministry, or by a member of a religious order in the exercise of duties required by such order; or

(c) In the employ of a governmental entity referred to in subsection I(3), if such service is performed by an individual in the exercise of duties:

(i) As an elected official;

(ii) As a member of a legislative body, or a member of the judiciary, of a state or political subdivision or a member of an Indian tribal council;

(iii) As a member of the State National Guard or Air National Guard;

(iv) As an employee serving on a temporary basis in case of fire, storm, snow, earthquake, flood or similar emergency;

(v) In a position which, under or pursuant to the laws of this state or laws of an Indian tribe, is designated as:

1. A major nontenured policy-making or advisory position, or

2. A policy-making or advisory position the performance of the duties of which ordinarily does not require more than eight (8) hours per week; or

(d) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work; or

(e) By an inmate of a custodial or penal institution; or

(f) As part of an unemployment work-relief or work-training program assisted or financed, in whole or in part, by any federal agency or agency of a state or political subdivision thereof or of an Indian tribe, by an individual receiving such work relief or work training, unless coverage of such service is required by federal law or regulation.

(6) Service performed by an individual in agricultural labor as defined in paragraph (15)(a) of this subsection when:

(a) Such service is performed for a person who:

(i) During any calendar quarter in either the current or the preceding calendar year paid remuneration in cash of Twenty Thousand Dollars ($20,000.00) or more to individuals employed in agricultural labor, or

(ii) For some portion of a day in each of twenty (20) different calendar weeks, whether or not such weeks were consecutive, in either the current or the preceding calendar year, employed in agricultural labor ten (10) or more individuals, regardless of whether they were employed at the same moment of time.

(b) For the purposes of subsection I(6) any individual who is a member of a crew furnished by a crew leader to perform service in agricultural labor for any other person shall be treated as an employee of such crew leader:

(i) If such crew leader holds a valid certificate of registration under the Farm Labor Contractor Registration Act of 1963; or substantially all the members of such crew operate or maintain tractors, mechanized harvesting or crop dusting equipment, or any other mechanized equipment, which is provided by such crew leader; and

(ii) If such individual is not an employee of such other person within the meaning of subsection I(1).

(c) For the purpose of subsection I(6), in the case of any individual who is furnished by a crew leader to perform service in agricultural labor for any other person and who is not treated as an employee of such crew leader under paragraph (6)(b) of this subsection:

(i) Such other person and not the crew leader shall be treated as the employer of such individual; and

(ii) Such other person shall be treated as having paid cash remuneration to such individual in an amount equal to the amount of cash remuneration paid to such individual by the crew leader (either on his or her own behalf or on behalf of such other person) for the service in agricultural labor performed for such other person.

(d) For the purposes of subsection I(6) the term "crew leader" means an individual who:

(i) Furnishes individuals to perform service in agricultural labor for any other person;

(ii) Pays (either on his or her own behalf or on behalf of such other person) the individuals so furnished by him or her for the service in agricultural labor performed by them; and

(iii) Has not entered into a written agreement with such other person under which such individual is designated as an employee of such other person.

(7) The term "employment" shall include domestic service in a private home, local college club or local chapter of a college fraternity or sorority performed for an employing unit which paid cash remuneration of One Thousand Dollars ($1,000.00) or more in any calendar quarter in the current or the preceding calendar year to individuals employed in such domestic service. For the purpose of this subsection, the term "employment" does not apply to service performed as a "sitter" at a hospital in the employ of an individual.

(8) An individual's entire service, performed within or both within and without this state, if:

(a) The service is localized in this state; or

(b) The service is not localized in any state but some of the service is performed in this state; and

(i) The base of operations or, if there is no base of operations, the place from which such service is directed or controlled is in this state; or

(ii) The base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed, but the individual's residence is in this state.

(9) Services not covered under paragraph (8) of this subsection and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state or of the federal government, shall be deemed to be employment subject to this chapter if the individual performing such services is a resident of this state and the department approves the election of the employing unit for whom such services are performed that the entire service of such individual shall be deemed to be employment subject to this chapter.

(10) Service shall be deemed to be localized within a state if:

(a) The service is performed entirely within such state; or

(b) The service is performed both within and without such state, but the service performed without such state is incidental to the individual's service within the state; for example, is temporary or transitory in nature or consists of isolated transactions.

(11) The services of an individual who is a citizen of the United States, performed outside the United States (except in

Canada), in the employ of an American employer (other than service which is deemed "employment" under the provisions of paragraph (8), (9) or (10) of this subsection or the parallel provisions of another state's law), if:

(a) The employer's principal place of business in the United States is located in this state; or

(b) The employer has no place of business in the United States; but

(i) The employer is an individual who is a resident of this state; or

(ii) The employer is a corporation which is organized under the laws of this state; or

(iii) The employer is a partnership or a trust and the number of the partners or trustees who are residents of this state is greater than the number who are residents of any one (1) other state; or

(c) None of the criteria of subparagraphs (a) and (b) of this paragraph are met but the employer has elected coverage in this state or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this state; or

(d) An "American employer," for purposes of this paragraph, means a person who is:

(i) An individual who is a resident of the United States; or

(ii) A partnership if two-thirds (2/3) or more of the partners are residents of the United States; or

(iii) A trust if all of the trustees are residents of the United States; or

(iv) A corporation organized under the laws of the United States or of any state.

(12) All services performed by an officer or member of the crew of an American vessel on or in connection with such vessel, if the operating office from which the operations of such vessel operating on navigable waters within, or within and without, the United States are ordinarily and regularly supervised, managed, directed and controlled, is within this state, notwithstanding the provisions of subsection I(8).

(13) Service with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or which as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act, 26 USCS Section 3301 et seq., is required to be covered under this chapter, notwithstanding any other provisions of this subsection.

(14) Services performed by an individual for wages shall be deemed to be employment subject to this chapter unless and until it is shown to the satisfaction of the department that such individual has been and will continue to be free from control and direction over the performance of such services both under his

or her contract of service and in fact; and the relationship of employer and employee shall be determined in accordance with the principles of the common law governing the relation of master and servant.

(15) The term "employment" shall not include:

(a) Agricultural labor, except as provided in subsection I(6) of this section. The term "agricultural labor" includes all services performed:

(i) On a farm or in a forest in the employ of any employing unit in connection with cultivating the soil, in connection with cutting, planting, deadening, marking or otherwise improving timber, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, fur-bearing animals and wildlife;

(ii) In the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(iii) In connection with the production or harvesting of naval stores products or any commodity defined in the Federal Agricultural Marketing Act, 12 USCS Section 1141j(g), or in connection with the raising or harvesting of mushrooms, or

in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(iv) (A) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half (1/2) of the commodity with respect to which such service is performed;

(B) In the employ of a group of operators of farms (or a cooperative organization of which such operators are members) in the performance of service described in subitem (A), but only if such operators produced more than one-half (1/2) of the commodity with respect to which such service is performed;

(C) The provisions of subitems (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(v) On a farm operated for profit if such service is not in the course of the employer's trade or business;

(vi) As used in paragraph (15)(a) of this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animals, and truck farms, plantations, ranches, nurseries, ranges, greenhouses, or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.

(b) Domestic service in a private home, local college club, or local chapter of a college fraternity or sorority, except as provided in subsection I(7) of this section, or service performed as a "sitter" at a hospital in the employ of an individual.

(c) Casual labor not in the usual course of the employing unit's trade or business.

(d) Service performed by an individual in the employ of his or her son, daughter, or spouse, and service performed by a child under the age of twenty-one (21) in the employ of his or her father or mother.

(e) Service performed in the employ of the United States government or of an instrumentality wholly owned by the United States; except that if the Congress of the United States shall permit states to require any instrumentalities of the United States to make payments into an unemployment fund under a state unemployment compensation act, then to the extent permitted by Congress and from and after the date as of which such permission becomes effective, all of the provisions of this chapter shall be

applicable to such instrumentalities and to services performed by employees for such instrumentalities in the same manner, to the same extent, and on the same terms as to all other employers and employing units. If this state should not be certified under the Federal Unemployment Tax Act, 26 USCS Section 3304(c), for any year, then the payment required by such instrumentality with respect to such year shall be deemed to have been erroneously collected and shall be refunded by the department from the fund in accordance with the provisions of Section 71-5-383.

(f) Service performed in the employ of an "employer" as defined by the Railroad Unemployment Insurance Act, 45 USCS Section 351(a), or as an "employee representative" as defined by the Railroad Unemployment Insurance Act, 45 USCS Section 351(f), and service with respect to which unemployment compensation is payable under an unemployment compensation system for maritime employees, or under any other unemployment compensation system established by an act of Congress; however, the department is authorized and directed to enter into agreements with the proper agencies under such act or acts of Congress, which agreements shall become effective ten (10) days after publication thereof in the manner provided in Section 71-5-117 for general rules, to provide reciprocal treatment to individuals who have, after acquiring potential rights to benefits under this chapter, acquired rights to unemployment compensation under such act or acts of Congress or who have, after acquiring potential rights to

unemployment compensation under such act or acts of Congress, acquired rights to benefits under this chapter.

(g) Service performed in any calendar quarter in the employ of any organization exempt from income tax under the Internal Revenue Code, 26 USCS Section 501(a) (other than an organization described in 26 USCS Section 401(a)), or exempt from income tax under 26 USCS Section 521 if the remuneration for such service is less than Fifty Dollars ($50.00).

(h) Service performed in the employ of a school, college, or university if such service is performed:

(i) By a student who is enrolled and is regularly attending classes at such school, college or university, or

(ii) By the spouse of such a student if such spouse is advised, at the time such spouse commences to perform such service, that

(A) The employment of such spouse to perform such service is provided under a program to provide financial assistance to such student by such school, college, or university, and

(B) Such employment will not be covered by any program of unemployment insurance.

(i) Service performed by an individual under the age of twenty-two (22) who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty

and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, as a student in a full-time program taken for credit at such institution, which combines academic instruction with work experience, if such service is an integral part of such program and such institution has so certified to the employer, except that this subparagraph shall not apply to service performed in a program established for or on behalf of an employer or group of employers.

(j) Service performed in the employ of a hospital, if such service is performed by a patient of the hospital, as defined in subsection M of this section.

(k) Service performed as a student nurse in the employ of a hospital or a nurses' training school by an individual who is enrolled and is regularly attending classes in a nurses' training school chartered or approved pursuant to state law; and services performed as an intern in the employ of a hospital by an individual who has completed a four-year course in a medical school chartered or approved pursuant to state law.

(l) Service performed by an individual as an insurance agent or as an insurance solicitor, if all such service performed by such individual is performed for remuneration solely by way of commission.

(m) Service performed by an individual in the delivery or distribution of newspapers or shopping news, not

including delivery or distribution to any point for subsequent delivery or distribution, except those employed by political subdivisions, state and local governments, nonprofit organizations and Indian tribes, as defined by this chapter, or any other entities for which coverage is required by federal statute and regulation.

(n) If the services performed during one-half (1/2) or more of any pay period by an employee for the employing unit employing him or her constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one-half (1/2) of any such pay period by an employee for the employing unit employing him or her do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in this subsection, the term "pay period" means a period (of not more than thirty-one (31) consecutive days) for which a payment of remuneration is ordinarily made to the employee by the employing unit employing him or her.

(o) Service performed by a barber or beautician whose work station is leased to him or her by the owner of the shop in which he or she works and who is compensated directly by the patrons he or she serves and who is free from direction and control by the lessor.

(p) Service performed by a "direct seller" if:

(i) Such person is engaged in the trade or business of selling (or soliciting the sale of) consumer products to any buyer on a buy-sell basis, a deposit-commission basis, or any similar basis which the department prescribes by regulations, for resale (by the buyer or any other person) in the home or otherwise than in a permanent retail establishment; or such person is engaged in the trade or business of selling (or soliciting the sale of) consumer products in the home or otherwise than in a permanent retail establishment;

(ii) Substantially all the remuneration (whether or not paid in cash) for the performance of the services described in item (i) of this subparagraph is directly related to sales or other output (including the performance of services) rather than to the number of hours worked; and

(iii) The services performed by the person are performed pursuant to a written contract between such person and the person for whom the services are performed and such contract provides that the person will not be treated as an employee with respect to such services for federal tax purposes.

J. "Employment office" means a free public employment office or branch thereof, operated by this state or maintained as a part of the state controlled system of public employment offices.

K. "Public employment service" means the operation of a program that offers free placement and referral services to applicants and employers, including job development.

L. "Fund" means the Unemployment Compensation Fund established by this chapter, to which all contributions required and from which all benefits provided under this chapter shall be paid.

M. "Hospital" means an institution which has been licensed, certified, or approved by the State Department of Health as a hospital.

N. "Institution of higher learning," for the purposes of this section, means an educational institution which:

(1) Admits as regular students only individuals having a certificate of graduation from a high school, or the recognized equivalent of such a certificate;

(2) Is legally authorized in this state to provide a program of education beyond high school;

(3) Provides an educational program for which it awards a bachelor's or higher degree, or provides a program which is acceptable for full credit toward such a degree, a program of postgraduate or postdoctoral studies, or a program of training to prepare students for gainful employment in a recognized occupation;

(4) Is a public or other nonprofit institution;

(5) Notwithstanding any of the foregoing provisions of this subsection, all colleges and universities in this state are institutions of higher learning for purposes of this section.

O. "Re-employment assistance" means money payments payable to an individual as provided in this chapter and in accordance with Section 3304(a)(4) and 3306(h) of the Federal Unemployment Tax Act and Section 303(a)(5) of the Social Security Act, with respect to his or her unemployment through no fault of his or her own. Wherever the terms "benefits" or "unemployment benefits" appear in this chapter, they shall mean re-employment assistance.

P. (1) "State" includes, in addition to the states of the United States of America, the District of Columbia, Commonwealth of Puerto Rico and the Virgin Islands.

(2) The term "United States" when used in a geographical sense includes the states, the District of Columbia, Commonwealth of Puerto Rico and the Virgin Islands.

(3) The provisions of paragraphs (1) and (2) of subsection P, as including the Virgin Islands, shall become effective on the day after the day on which the United States Secretary of Labor approves for the first time under Section 3304(a) of the Internal Revenue Code of 1954 an unemployment compensation law submitted to the secretary by the Virgin Islands for such approval.

Q. "Unemployment."

(1) An individual shall be deemed "unemployed" in any week during which he or she performs no services and with respect to which no wages are payable to him or her, or in any week of less than full-time work if the wages payable to him or her with

respect to such week are less than his or her weekly benefit amount as computed and adjusted in Section 71-5-505. This definition shall exclude individuals receiving voluntary payments from employers, from any source, that are in lieu of the worker's regular wages. However, individuals receiving voluntary payments of less than their set full weekly wage, as well as individuals who do not work a specified number of hours each week resulting in inconsistent weekly wages, and who are receiving voluntary payments for partial wage substitution, may be considered "unemployed," but would be required to report the gross amount of the voluntary payments to be treated as wages so the appropriate deductions to the weekly benefit amount can be made. The department shall prescribe regulations applicable to unemployed individuals, making such distinctions in the procedure as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the department deems necessary.

(2) An individual's week of total unemployment shall be deemed to commence only after his registration * * * with an employment office, except as the department may by regulation otherwise prescribe.

(3) Unemployment shall not include administrative leave for any week with respect to which:

(a) An employer has designated their employee as being on official administrative leave;

(b) The administrative leave is for a specified period of time;

(c) There is no apparent permanent job separation; and

(d) The employee has received compensation equal to his or her standard compensation.

(4) If the individual on official administrative leave, as designated by the employer, does not receive full compensation in line with his or her standard hours or salary, the individual may be eligible for unemployment insurance benefits as partially unemployed for the wages they are missing.

(5) Any individual on official administrative leave is required to report all compensation received.

R. (1) "Wages" means all remuneration for personal services, including commissions and bonuses and the cash value of all remuneration in any medium other than cash, except that "wages," for purposes of determining employer's coverage and payment of contributions for agricultural and domestic service means cash remuneration only. Wages shall include payments from employers, from any source, and for any reason, that are in lieu of the employee's regular wages. The reasonable cash value of remuneration in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the department; however, that the term "wages" shall not include:

(a) The amount of any payment made to, or on behalf of, an employee under a plan or system established by an employer which makes provision for his or her employees generally or for a class or classes of his or her employees (including any amount paid by an employer for insurance or annuities, or into a fund, to provide for any such payment), on account of:

(i) Retirement, or

(ii) Sickness or accident disability, or

(iii) Medical or hospitalization expenses in connection with sickness or actual disability, or

(iv) Death, provided the employee:

(A) Has not the option to receive, instead of provision for such death benefit, any part of such payment or, if such death benefit is insured, any part of the premiums (or contributions to premiums) paid by his or her employer, and

(B) Has not the right, under the provisions of the plan or system or policy of insurance providing for such death benefit, to assign such benefit or to receive a cash consideration in lieu of such benefit, either upon his or her withdrawal from the plan or system providing for such benefit or upon termination of such plan or system or policy of insurance or of his or her employment with such employer;

(b) Dismissal payments which the employer is not legally required to make;

(c) Payment by an employer (without deduction from the remuneration of an employee) of the tax imposed by the Internal Revenue Code, 26 USCS Section 3101;

(d) From and after January 1, 1992, the amount of any payment made to or on behalf of an employee for a "cafeteria" plan, which meets the following requirements:

(i) Qualifies under Section 125 of the Internal Revenue Code;

(ii) Covers only employees;

(iii) Covers only noncash benefits;

(iv) Does not include deferred compensation plans.

(2) [Not enacted].

S. "Week" means calendar week or such period of seven (7) consecutive days as the department may by regulation prescribe. The department may by regulation prescribe that a week shall be deemed to be in, within, or during any benefit year which includes any part of such week.

T. "Insured work" means "employment" for "employers."

U. The term "includes" and "including," when used in a definition contained in this chapter, shall not be deemed to exclude other things otherwise within the meaning of the term defined.

V. "Employee leasing arrangement" means any agreement between an employee leasing firm and a client, whereby specified

client responsibilities such as payment of wages, reporting of wages for unemployment insurance purposes, payment of unemployment insurance contributions and other such administrative duties are to be performed by an employee leasing firm, on an ongoing basis.

W. "Employee leasing firm" means any entity which provides specified duties for a client company such as payment of wages, reporting of wages for unemployment insurance purposes, payment of unemployment insurance contributions and other administrative duties, in connection with the client's employees, that are directed and controlled by the client and that are providing ongoing services for the client.

X. (1) "Temporary help firm" means an entity which hires its own employees and provides those employees to other individuals or organizations to perform some service, to support or supplement the existing workforce in special situations such as employee absences, temporary skill shortages, seasonal workloads and special assignments and projects, with the expectation that the worker's position will be terminated upon the completion of the specified task or function.

(2) "Temporary employee" means an employee assigned to work for the clients of a temporary help firm.

Y. For the purposes of this chapter, the term "notice" shall include any official communication, statement or other correspondence required under the administration of this chapter, and sent by the department through the United States Postal

Service or electronic or digital transfer, via modem or the Internet.

SECTION 2. Section 71-5-365, Mississippi Code of 1972, is amended as follows:

71-5-365. If any employer fails to make and file any report as and when required by the terms and provisions of this chapter or by any rule or regulation of the commission for the purpose of determining the amount of contributions due by him or her under this chapter, or if any report which has been filed is deemed by the executive director or his or her designee within the department to be incorrect or insufficient, and such employer, after having been given notice by the executive director or his or her designee within the department to file such report, or a corrected or sufficient report, as the case may be, shall fail to file such report within fifteen (15) days after the date of such notice, the executive director or his or her designee within the department may (a) determine the amount of contributions due from such noncompliant employer on the basis of * * * the best information * * * that may be readily available to * * * the department, which * * * determination shall be prima facie correct, (b) assess such noncompliant employer with the amount of contribution so determined as due, to which amount may be added and assessed by the executive director or his or her designee within the department in his or her discretion, as damages, in an amount equal to ten percent (10%) of * * * the assessed amount,

and (c) immediately give notice to such noncompliant employer of such determination, assessment, and * * * penalties, if any, added and assessed, demanding payment of same together with interest, as herein provided, on the amount of contributions owed from the date when same were due and payable. Such determination and assessment by the executive director or his or her designee within the department shall be final at the expiration of fifteen (15) days from the date of such notice thereof demanding payment, unless:

(a) Such employer shall have filed with the department a written protest and petition for a hearing, specifying his or her objections thereto. Upon receipt of such petition within the fifteen (15) days allowed, the department shall fix the time and place for a hearing and shall notify the petitioner thereof. At any hearing held before the department as herein provided, evidence may be offered to support such determination and assessment or to prove that it is incorrect, and the commission shall have all the power provided in Sections 71-5-137 and 71-5-139. Immediately after such hearing a final decision in the matter shall be made by the commission, and any contributions or deficiencies in contributions found and determined by the commission to be due shall be assessed and paid, together with interest, within fifteen (15) days after notice of such final decision and assessment, and demand for payment thereof by the department shall have been sent to such employer.

(b) The department, in its discretion, determines on the basis of information submitted by the employer that such assessment should be amended and adjusted to reflect the correct amount of taxes.

Sixty (60) days after the due date of the contributions, together with interest and damages, or upon issuance of a warrant, whichever occurs first, the department, in its discretion, may assess an additional sum not exceeding one hundred percent (100%) of the amount of the unpaid contributions due as * * * penalties for failure to pay.

SECTION 3. Section 71-5-363, Mississippi Code of 1972, is amended as follows:

71-5-363. (1) Contributions unpaid on the date on which they are due and payable shall bear interest at the rate of one percent (1%) per month from and after such date until payment plus accrued interest is received by the * * * department, provided that the * * * department may prescribe fair and reasonable general rules pursuant to which such interest shall not accrue during the first calendar year that any employer is subject to this chapter. Interest collected pursuant to this section shall be paid into the Special Employment Security Administration Fund established by Section 71-5-114.

(2) Notwithstanding the provisions of subsection (1) of this section, the executive director or his or her designee within the department shall have the discretion, subject only to federal laws

and regulations, to abate interest accrued on past-due contributions or overpayments, in part or in full, when negotiating the settlements of past-due amounts owed to the agency.

SECTION 4. Section 71-5-389, Mississippi Code of 1972, is amended as follows:

71-5-389. (1) For the purposes of this section, the following terms shall have the respective meanings ascribed by this section:

(a) "Claimant agency" means the Mississippi Department of Employment Security.

(b) "Debtor" means any individual, corporation or partnership owing money or having a delinquent account with any claimant agency, which obligation has not been adjudicated satisfied by court order, set aside by court order, or discharged in bankruptcy.

(c) "Debt" means any sum due and owing any claimant agency, including costs, court costs, fines, penalties and interest which have accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum which is legally collectible and for which a collection effort has been or is being made.

(d) "Department" or "Department of Revenue," or "Revenue" means the Department of Revenue of the State of Mississippi.

(e) "Refund" means the Mississippi income tax refund or federal income tax refund which the department determines to be due any individual taxpayer, corporation or partnership.

(f) "Treasury" means the United States Department of the Treasury.

(2) The collection remedy authorized by this section is in addition to and is not substitution for any other remedy available by law.

(3) (a) A claimant agency may submit debts in excess of Twenty-five Dollars ($25.00) owed to it to the department for collection through setoff, under the procedure established by this section, except in cases where the validity of the debt is legitimately in dispute, an alternate means of collection is pending and believed to be adequate, or such collection would result in a loss of federal funds or federal assistance.

(b) Upon the request of a claimant agency, the department or, if applicable, Treasury shall set off any refund, as defined herein, against the sum certified by the claimant agency as provided in this section.

(4) (a) Within the time frame specified by the department and/or Treasury, a claimant agency seeking to collect a debt through setoff shall supply the information necessary to identify

each debtor whose refund is sought to be set off and certify the amount of debt or debts owed by each such debtor.

(b) If a debtor identified by a claimant agency is determined by the department and/or Treasury to be entitled to a refund of at least Twenty-five Dollars ($25.00), the department or, if applicable, Treasury shall transfer an amount equal to the refund owed, not to exceed the amount of the claimed debt certified, to the claimant agency. The Department of Revenue or, if applicable, Treasury shall send the excess amount to the debtor within a reasonable time after such excess is determined. At the time of the transfer of funds to a claimant agency pursuant to this paragraph (b), the Department of Revenue or, if applicable, Treasury shall notify the taxpayer or taxpayers whose refund is sought to be set off that the transfer has been made. Such notice shall clearly set forth the name of the debtor, the manner in which the debt arose, the amount of the claimed debt, the transfer of funds to the claimant agency pursuant to this paragraph (b) and the intention to set off the refund against the debt, the amount of the refund in excess of the claimed debt, the taxpayer's opportunity to give written notice to contest the setoff within thirty (30) days of the date of mailing of the notice, the name and mailing address of the claimant agency to which the application for such a hearing must be sent, and the fact that the failure to apply for such a hearing, in writing, within the thirty-day period will be deemed a waiver of the opportunity to

contest the setoff. In the case of a joint return or a joint refund, the notice shall also state the name of the taxpayer named in the return, if any, against whom no debt is claimed, the fact that a debt is not claimed against such taxpayer, the fact that such taxpayer is entitled to receive a refund if it is due him or her regardless of the debt asserted against his or her spouse, and that in order to obtain a refund due him or her such taxpayer must apply in writing for a hearing with the claimant agency named in the notice within thirty (30) days of the date of the mailing of the notice. If a taxpayer fails to apply in writing for such a hearing within thirty (30) days of the mailing of such notice, he or she will have waived his or her opportunity to contest the setoff.

(c) Upon receipt of funds transferred from the Department of Revenue and/or Treasury pursuant to paragraph (b) of this subsection, the claimant agency shall deposit and hold such funds in an escrow account until a final determination of the validity of the debt.

(d) The claimant agency shall pay the Department of Revenue and/or Treasury a fee, not to exceed Seventeen Dollars ($17.00) in each case in which a tax refund is identified as being available for offset. Such fees shall be deposited by the Department of Revenue into a special fund hereby created in the State Treasury, out of which the Legislature shall appropriate

monies to defray expenses of the Department of Revenue in employing personnel to administer the provisions of this section.

(5) (a) When the claimant agency receives a protest or an application in writing from a taxpayer within thirty (30) days of the notice issued by the Department of Revenue and/or Treasury, the claimant agency shall set a date to hear the protest and give notice to the taxpayer through the United States Postal Service or electronic digital transfer of the date so set. The time and place of such hearing shall be designated in such notice and the date set shall not be less than fifteen (15) days from the date of such notice. If, at the hearing, the sum asserted as due and owing is found not to be correct, an adjustment to the claim may be made. The claimant agency shall give notice to the debtor of its final determination as provided in paragraph (c) of this subsection.

(b) No issues shall be reconsidered at the hearing which have been previously litigated.

(c) If any debtor is dissatisfied with the final determination made at the hearing by the claimant agency, he or she may appeal the final determination to the circuit court of the county in which the main office of the claimant agency is located by filing notice of appeal with the administrative head of the claimant agency and with the clerk of the circuit court of the county in which the appeal shall be taken within thirty (30) days

from the date the notice of final determination was given by the claimant agency.

(6) (a) Upon final determination of the amount of the debt due and owing by means of hearing or by the taxpayer's default through failure to comply with timely request for review, the claimant agency shall remove the amount of the debt due and owing from the escrow account and credit such amount to the debtor's obligation.

(b) Upon transfer of the debt due and owing from the escrow account to the credit of the debtor's account, the claimant agency shall notify the debtor in writing of the finalization of the setoff. Such notice shall include a final accounting if the refund which was set off, including the amount of the refund to which the debtor was entitled * * * before the setoff, the amount of the debt due and owing, the amount of the collection fee paid to the Department of Revenue and/or Treasury, the amount of the refund in excess of the debt which was returned to the debtor by the Department of Revenue and/or Treasury, and the amount of the funds transferred to the claimant agency in excess of the debt determined to be due and owing at a hearing, if such a hearing was held. At such time, the claimant agency shall refund to the debtor the amount of the claimed debt originally certified and transferred to it by the Department of Revenue in excess of the amount of debt finally found to be due and owing.

(7) (a) Notwithstanding the provision that prohibits disclosure by the Department of Revenue and/or Treasury of the contents of taxpayer records or information and notwithstanding any other confidentiality statute, the Department of Revenue and/or Treasury may provide to a claimant agency all information necessary to accomplish and effectuate the intent of the section.

(b) The information obtained by claimant agency from the Department of Revenue and/or Treasury in accordance with the provisions of this section shall retain its confidentiality and shall only be used by a claimant agency in the pursuit of its debt collection duties and practices; and any employee or prior employee of any claimant agency who unlawfully discloses any such information for any other purpose, except as specifically authorized by law, shall be subject to the same penalties specified by law for unauthorized confidential information by an agent or employee of the Department of Revenue and/or Treasury.

SECTION 5. Section 71-5-355, Mississippi Code of 1972, is amended as follows:

71-5-355. (1) As used in this section, the following words and phrases shall have the following meanings, unless the context clearly requires otherwise:

(a) "Tax year" means any period beginning on January 1 and ending on December 31 of a year.

(b) "Computation date" means June 30 of any calendar year immediately preceding the tax year during which the particular contribution rates are effective.

(c) "Effective date" means January 1 of the tax year.

(d) Except as hereinafter provided, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection H, plus the total of all remuneration paid by such employer excluded from the definition of wages by Section 71-5-351. For the computation of modified rates, "payroll" means the total of all wages paid for employment by an employer as defined in Section 71-5-11, subsection H.

(e) For the computation of modified rates, "eligible employer" means an employer whose experience-rating record has been chargeable with benefits throughout the thirty-six (36) consecutive calendar-month period ending on the computation date, except that any employer who has not been subject to the Mississippi Employment Security Law for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement shall be an eligible employer if his or her experience-rating record has been chargeable throughout not less than the twelve (12) consecutive calendar-month period ending on the computation date. No employer shall be considered eligible for a contribution rate less than five and four-tenths percent (5.4%) with respect to any tax year, who has failed to file any two (2) quarterly reports within the qualifying period by

September 30 following the computation date. No employer or employing unit shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which the employing unit is found by the department to be in violation of Section 71-5-19(2) or (3) and for the next two (2) succeeding tax years. No representative of such employing unit who was a party to a violation as described in Section 71-5-19(2) or (3), if such representative was or is an employing unit in this state, shall be eligible for a contribution rate of less than five and four-tenths percent (5.4%) for the tax year in which such violation was detected by the department and for the next two (2) succeeding tax years.

(f) With respect to any tax year, "reserve ratio" means the ratio which the total amount available for the payment of benefits in the Unemployment Compensation Fund, excluding any amount which has been credited to the account of this state under Section 903 of the Social Security Act, as amended, and which has been appropriated for the expenses of administration pursuant to Section 71-5-457 whether or not withdrawn from such account, on October 31 (close of business) of each calendar year bears to the aggregate of the taxable payrolls of all employers for the twelve (12) calendar months ending on June 30 next preceding.

(g) "Modified rates" means the rates of employer unemployment insurance contributions determined under the

provisions of this chapter and the rates of newly subject employers, as provided in Section 71-5-353.

(h) For the computation of modified rates, "qualifying period" means a period of not less than the thirty-six (36) consecutive calendar months ending on the computation date throughout which an employer's experience-rating record has been chargeable with benefits; except that with respect to any eligible employer who has not been subject to this article for a period of time sufficient to meet the thirty-six (36) consecutive calendar-month requirement, "qualifying period" means the period ending on the computation date throughout which his or her experience-rating record has been chargeable with benefits, but in no event less than the twelve (12) consecutive calendar-month period ending on the computation date throughout which his or her experience-rating record has been so chargeable.

(i) The "exposure criterion" (EC) is defined as the cash balance of the Unemployment Compensation Fund which is available for the payment of benefits as of November 16 of each calendar year or the next working day if November 16 falls on a holiday or a weekend, divided by the total wages, exclusive of wages paid by all state agencies, all political subdivisions, reimbursable nonprofit corporations, and tax-exempt public service employment, for the twelve-month period ending June 30 immediately preceding such date. The EC shall be computed to four (4) decimal places and rounded up if any fraction remains.

(j) The "cost rate criterion" (CRC) is defined as follows: Beginning with January 1974, the benefits paid for the twelve-month period ending December 1974 are summed and divided by the total wages for the twelve-month period ending on June 30, 1975. Similar ratios are computed by subtracting the earliest month's benefit payments and adding the benefits of the next month in the sequence and dividing each sum of twelve (12) months' benefits by the total wages for the twelve-month period ending on the June 30 which is nearest to the final month of the period used to compute the numerator. If December is the final month of the period used to compute the numerator, then the twelve-month period ending the following June 30 will be used for the denominator. Benefits and total wages used in the computation of the cost rate criterion shall exclude all benefits and total wages applicable to state agencies, political subdivisions, reimbursable nonprofit corporations, and tax-exempt PSE employment.

The CRC shall be computed as the average for the highest monthly value of the cost rate criterion computations during each of the economic cycles since the calendar year 1974 as defined by the National Bureau of Economic Research. The CRC shall be computed to four (4) decimal places and any remainder shall be rounded up.

The CRC shall be adjusted only through annual computations and additions of future economic cycles.

(k) "Size of fund index" (SOFI) is defined as the ratio of the exposure criterion (EC) to the cost rate criterion (CRC). The target size of fund index will be fixed at 1.0. If the insured unemployment rate (IUR) exceeds a four and five-tenths percent (4.5%) average for the most recent completed July to June period, the target SOFI will be .8 and will remain at that level until the computed SOFI (the average exposure criterion of the current year and the preceding year divided by the average cost rate criterion) equals 1.0 or the average IUR falls to four and five-tenths percent (4.5%) or less for any period July to June. However, if the IUR falls below two and five-tenths percent (2.5%) for any period July to June the target SOFI shall be 1.2 until such time as the computed SOFI is equal to or greater than 1.0 or the IUR is equal to or greater than two and five-tenths percent (2.5%), at which point the target SOFI shall return to 1.0.

(l) No employer's unemployment contribution general experience rate plus individual unemployment experience rate shall exceed five and four-tenths percent (5.4%). Accrual rules shall apply for purposes of computing contribution rates including associated functions.

(m) The term "general experience rate" has the same meaning as the minimum tax rate.

(2) Modified rates:

(a) For any tax year, when the reserve ratio on the preceding November 16, in the case of any tax year, equals or

exceeds three percent (3%), the modified rates, as hereinafter prescribed, shall be in effect. In computation of this reserve ratio, any remainder shall be rounded down.

(b) Modified rates shall be determined for the tax year for each eligible employer on the basis of his or her experience-rating record in the following manner:

(i) The department shall maintain an experience-rating record for each employer. Nothing in this chapter shall be construed to grant any employer or individuals performing services for him or her any prior claim or rights to the amounts paid by the employer into the fund.

(ii) Benefits paid to an eligible individual shall be charged against the experience-rating record of his or her base period employers in the proportion to which the wages paid by each base period employer bears to the total wages paid to the individual by all the base period employers, provided that benefits shall not be charged to an employer's experience-rating record if the department finds that the individual:

1. Voluntarily left the employ of such employer without good cause attributable to the employer or to accept other work;

2. Was discharged by such employer for misconduct connected with his or her work;

3. Refused an offer of suitable work by such employer without good cause, and the department further finds that

such benefits are based on wages for employment for such employer prior to such voluntary leaving, discharge or refusal of suitable work, as the case may be;

4. Had base period wages which included wages for previously uncovered services as defined in Section 71-5-511(e) to the extent that the Unemployment Compensation Fund is reimbursed for such benefits pursuant to Section 121 of Public Law 94-566;

5. Extended benefits paid under the provisions of Section 71-5-541 which are not reimbursable from federal funds shall be charged to the experience-rating record of base period employers;

6. Is still working for such employer on a regular part-time basis under the same employment conditions as hired. Provided, however, that benefits shall be charged against an employer if an eligible individual is paid benefits who is still working for such employer on a part-time "as-needed" basis;

7. Was hired to replace a United States serviceman or servicewoman called into active duty and was laid off upon the return to work by that serviceman or servicewoman, unless such employer is a state agency or other political subdivision or instrumentality of the state;

8. Was paid benefits during any week while in training with the approval of the department, under the provisions of Section 71-5-513B, or for any week while in training approved

under Section 236(a)(1) of the Trade Act of 1974, under the provisions of Section 71-5-513C;

9. Is not required to serve the one-week waiting period as described in Section 71-5-505(2). In that event, only the benefits paid in lieu of the waiting period week may be noncharged; or

10. Was paid benefits as a result of a fraudulent claim, provided notification was made to the Mississippi Department of Employment Security in writing or by email by the employer, within ten (10) days of the mailing of the notice of claim filed to the employer's last-known address.

(iii) Notwithstanding any other provision contained herein, an employer shall not be noncharged when the department finds that the employer or the employer's agent of record was at fault for failing to respond timely or adequately to the request of the department for information relating to an unemployment claim that was subsequently determined to be improperly paid, unless the employer or the employer's agent of record shows good cause for having failed to respond timely or adequately to the request of the department for information. For purposes of this subparagraph "good cause" means an event that prevents the employer or employer's agent of record from timely responding, and includes a natural disaster, emergency or similar event, or an illness on the part of the employer, the employer's agent of record, or their staff charged with responding to such

inquiries when there is no other individual who has the knowledge or ability to respond. Any agency error that resulted in a delay in, or the failure to deliver notice to, the employer or the employer's agent of record shall also be considered good cause for purposes of this subparagraph.

(iv) The department shall compute a benefit ratio for each eligible employer, which shall be the quotient obtained by dividing the total benefits charged to his or her experience-rating record during the period his or her experience-rating record has been chargeable, but not less than the twelve (12) consecutive calendar-month period nor more than the thirty-six (36) consecutive calendar-month period ending on the computation date, by his or her total taxable payroll for the same period on which all unemployment insurance contributions due have been paid on or before the September 30 immediately following the computation date. Such benefit ratio shall be computed to the tenth of a percent (.1%), rounding any remainder to the next higher tenth.

(v) 1. The unemployment insurance contribution rate for each eligible employer shall be the sum of two (2) rates: his or her individual experience rate in the range from zero percent (0%) to five and four-tenths percent (5.4%), plus a general experience rate. In no event shall the resulting unemployment insurance rate be in excess of five and four-tenths percent (5.4%), however, it is the intent of this section to

provide the ability for employers to have a tax rate, the general experience rate plus the individual experience rate, of up to five and four-tenths percent (5.4%).

2. The employer's individual experience rate shall be equal to his or her benefit ratio as computed under subsection (2)(b)(iv) above.

3. The general experience rate shall be determined in the following manner: The department shall determine annually, for the thirty-six (36) consecutive calendar-month period ending on the computation date, the amount of benefits which were not charged to the record of any employer and of benefits which were ineffectively charged to the employer's experience-rating record. For the purposes of this item 3, the term "ineffectively charged benefits" shall include:

a. The total of the amounts of benefits charged to the experience-rating records of all eligible employers which caused their benefit ratios to exceed five and four-tenths percent (5.4%);

b. The total of the amounts of benefits charged to the experience-rating records of all ineligible employers which would cause their benefit ratios to exceed five and four-tenths percent (5.4%) if they were eligible employers; and

c. The total of the amounts of benefits charged or chargeable to the experience-rating record of any

employer who has discontinued his or her business or whose coverage has been terminated within such period; provided, that solely for the purposes of determining the amounts of ineffectively charged benefits as herein defined, a "benefit ratio" shall be computed for each ineligible employer, which shall be the quotient obtained by dividing the total benefits charged to his or her experience-rating record throughout the period ending on the computation date, during which his or her experience-rating record has been chargeable with benefits, by his or her total taxable payroll for the same period on which all unemployment insurance contributions due have been paid on or before the September 30 immediately following the computation date; and provided further, that such benefit ratio shall be computed to the tenth of one percent (.1%) and any remainder shall be rounded to the next higher tenth.

The ratio of the sum of these amounts (subsection (2)(b)(v)3a, b and c) to the taxable wages paid during the same period divided by all eligible employers whose benefit ratio did not exceed five and four-tenths percent (5.4%), computed to the next higher tenth of one percent (.1%), shall be the general experience rate; however, the general experience rate for rate year 2014 shall be two tenths of one percent (.2%) and to that will be added the employer's individual experience rate for the total unemployment insurance rate.

4. a. Except as otherwise provided in this item 4, the general experience rate shall be adjusted by use of the size of fund index factor. This factor may be positive or negative, and shall be determined as follows: From the target SOFI, as defined in subsection (1)(k) of this section, subtract the simple average of the current and preceding years' exposure criterions divided by the cost rate criterion, as defined in subsection (1)(j) of this section. The result is then multiplied by the product of the CRC, as defined in subsection (1)(j) of this section, and total wages for the twelve-month period ending June 30 divided by the taxable wages for the twelve-month period ending June 30. This is the percentage positive or negative added to the general experience rate. The sum of the general experience rate and the trust fund adjustment factor shall be multiplied by fifty percent (50%) and this product shall be computed to one (1) decimal place, and rounded to the next higher tenth.

b. Notwithstanding the minimum rate provisions as set forth in subsection (1)(l) of this section, the general experience rate of all employers shall be reduced by seven one-hundredths of one percent (.07%) for calendar year 2013 only.

5. The general experience rate shall be zero percent (0%) unless the general experience ratio for any tax year as computed and adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%) is an amount equal to or greater than two-tenths of one percent (.2%), then the general

experience rate shall be the computed general experience ratio and adjusted on the basis of the trust fund adjustment factor and reduced by fifty percent (50%); however, in no case shall the sum of the general experience plus the individual experience unemployment insurance rate exceed five and four-tenths percent (5.4%). For rate years subsequent to 2014, Mississippi Workforce Enhancement Training contribution rate, and/or State Workforce Investment contribution rate, and/or Mississippi Works contribution rate, when in effect, shall be added to the unemployment contribution rate, regardless of whether the addition of this contribution rate causes the total contribution rate for the employer to exceed five and four-tenths percent (5.4%).

6. The department shall include in its annual rate notice to employers a brief explanation of the elements of the general experience rate, and shall include in its regular publications an annual analysis of benefits not charged to the record of any employer, and of the benefit experience of employers by industry group whose benefit ratio exceeds four percent (4%), and of any other factors which may affect the size of the general experience rate.

7. Notwithstanding any other provision contained herein, the general experience rate for calendar year 2021 shall be zero percent (0%). Charges attributed to each employer's individual experience rate for the period March 8, 2020, through June 30, 2020, will not impact the employer's

individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2021 and the two (2) subsequent tax rate years. Moreover, charges attributed to each employer's individual experience rate for the period July 1, 2020, through December 31, 2020, will not impact the employer's individual experience rate calculations for purposes of calculating the total unemployment insurance rate for 2022 and the two (2) subsequent tax rate years.

(vi) When any employing unit in any manner succeeds to or acquires the organization, trade, business or substantially all the assets thereof of an employer, excepting any assets retained by such employer incident to the liquidation of his or her obligations, whether or not such acquiring employing unit was an employer within the meaning of Section 71-5-11, subsection H, prior to such acquisition, and continues such organization, trade or business, the experience-rating and payroll records of the predecessor employer shall be transferred as of the date of acquisition to the successor employer for the purpose of rate determination.

(vii) When any employing unit succeeds to or acquires a distinct and severable portion of an organization, trade or business, the experience-rating and payroll records of such portion, if separately identifiable, shall be transferred to the successor upon:

1. The mutual consent of the predecessor and the successor;

2. Approval of the department;

3. Continued operation of the transferred portion by the successor after transfer; and

4. The execution and the filing with the department by the predecessor employer of a waiver relinquishing all rights to have the experience-rating and payroll records of the transferred portion used for the purpose of determining modified rates of contribution for such predecessor.

(viii) If the successor was an employer subject to this chapter prior to the date of acquisition, it shall continue to pay unemployment insurance contributions at the rate applicable to it from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date of acquisition, it shall pay unemployment insurance contributions at the rate applicable to the predecessor or, if more than one (1) predecessor and the same rate is applicable to both, the rate applicable to the predecessor or predecessors, from the date the acquisition occurred until the end of the then current tax year. If the successor was not an employer prior to the date the acquisition occurred and simultaneously acquires the businesses of two (2) or more employers to whom different rates of unemployment insurance contributions are applicable, it shall pay unemployment insurance contributions from the date of the

acquisition until the end of the current tax year at a rate computed on the basis of the combined experience-rating and payroll records of the predecessors as of the computation date for such tax year. In all cases the rate of unemployment insurance contributions applicable to such successor for each succeeding tax year shall be computed on the basis of the combined experience-rating and payroll records of the successor and the predecessor or predecessors.

(ix) The department shall notify each employer quarterly of the benefits paid and charged to his or her experience-rating record; and such notification, in the absence of an application for redetermination filed within thirty (30) days after the date of such notice, shall be final, conclusive and binding upon the employer for all purposes. A redetermination, made after notice and opportunity for a fair hearing, by a hearing officer designated by the department who shall consider and decide these and related applications and protests; and the finding of fact in connection therewith may be introduced into any subsequent administrative or judicial proceedings involving the determination of the rate of unemployment insurance contributions of any employer for any tax year, and shall be entitled to the same finality as is provided in this subsection with respect to the findings of fact in proceedings to redetermine the contribution rate of an employer.

(x) The department shall notify each employer of his or her rate of contribution as determined for any tax year as soon as reasonably possible after September 1 of the preceding year. Such determination shall be final, conclusive and binding upon such employer unless, within thirty (30) days after the date of such notice to his or her last-known address, the employer files with the department an application for review and redetermination of his or her contribution rate, setting forth his or her reasons therefor. If the department grants such review, the employer shall be promptly notified thereof and shall be afforded an opportunity for a fair hearing by a hearing officer designated by the department who shall consider and decide these and related applications and protests; but no employer shall be allowed, in any proceeding involving his or her rate of unemployment insurance contributions or contribution liability, to contest the chargeability to his or her account of any benefits paid in accordance with a determination, redetermination or decision pursuant to Sections 71-5-515 through 71-5-533 except upon the ground that the services on the basis of which such benefits were found to be chargeable did not constitute services performed in employment for him or her, and then only in the event that he or she was not a party to such determination, redetermination, decision or to any other proceedings provided in this chapter in which the character of such services was determined. The employer shall be promptly notified of the denial

of this application or of the redetermination, both of which shall become final unless, within ten (10) days after the date of notice thereof, there shall be an appeal to the department itself. Any such appeal shall be on the record before said designated hearing officer, and the decision of said department shall become final unless, within thirty (30) days after the date of notice thereof to the employer's last-known address, there shall be an appeal to the Circuit Court of the First Judicial District of Hinds County, Mississippi, in accordance with the provisions of law with respect to review of civil causes by certiorari.

(3) Notwithstanding any other provision of law, the following shall apply regarding assignment of rates and transfers of experience:

(a) (i) If an employer transfers its trade or business, or a portion thereof, to another employer and, at the time of the transfer, there is substantially common ownership, management or control of the two (2) employers, then the unemployment experience attributable to the transferred trade or business shall be transferred to the employer to whom such business is so transferred. The rates of both employers shall be recalculated and made effective on January 1 of the year following the year the transfer occurred.

(ii) If, following a transfer of experience under subparagraph (i) of this paragraph (a), the department determines that a substantial purpose of the transfer of trade or business

was to obtain a reduced liability of unemployment insurance contributions, then the experience-rating accounts of the employers involved shall be combined into a single account and a single rate assigned to such account.

(b) Whenever a person who is not an employer or an employing unit under this chapter at the time it acquires the trade or business of an employer, the unemployment experience of the acquired business shall not be transferred to such person if the department finds that such person acquired the business solely or primarily for the purpose of obtaining a lower rate of unemployment insurance contributions. Instead, such person shall be assigned the new employer rate under Section 71-5-353, unless assignment of the new employer rate results in an increase of less than two percent (2%), in which case such person would be assigned the new employer rate plus an additional two percent (2%) penalty for the rate year. In determining whether the business was acquired solely or primarily for the purpose of obtaining a lower rate of unemployment insurance contributions, the department shall use objective factors which may include the cost of acquiring the business, whether the person continued the business enterprise of the acquired business, how long such business enterprise was continued, or whether a substantial number of new employees were hired for performance of duties unrelated to the business activity conducted prior to acquisition.

(c) (i) If a person knowingly violates or attempts to violate paragraph (a) or (b) of this subsection or any other provision of this chapter related to determining the assignment of a contribution rate, or if a person knowingly advises another person in a way that results in a violation of such provision, the person shall be subject to the following penalties:

1. If the person is an employer, then such employer shall be assigned the highest rate assignable under this chapter for the rate year during which such violation or attempted violation occurred and the three (3) rate years immediately following this rate year. However, if the person's business is already at such highest rate for any year, or if the amount of increase in the person's rate would be less than two percent (2%) for such year, then * * * the person's tax rate shall be increased by two percent (2%) for such year. The penalty rate will apply to the successor business as well as the related entity from which the employees were transferred in an effort to obtain a lower rate of unemployment insurance contributions.

2. If the person is not an employer, such person shall be subject to a civil money penalty of not more than Five Thousand Dollars ($5,000.00). Each such transaction for which advice was given and each occurrence or reoccurrence after notification being given by the department shall be a separate offense and punishable by a separate penalty. Any such fine shall

be deposited in the penalty and interest account established under Section 71-5-114.

(ii) For purposes of this paragraph (c), the term "knowingly" means having actual knowledge of or acting with deliberate ignorance or reckless disregard for the prohibition involved.

(iii) For purposes of this paragraph (c), the term "violates or attempts to violate" includes, but is not limited to, intent to evade, misrepresentation or willful nondisclosure.

(iv) In addition to the penalty imposed by subparagraph (i) of this paragraph (c), any violation of this subsection may be punishable by a fine of not more than Ten Thousand Dollars ($10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment. This subsection shall prohibit prosecution under any other criminal statute of this state.

(d) The department shall establish procedures to identify the transfer or acquisition of a business for purposes of this subsection.

(e) For purposes of this subsection:

(i) "Person" has the meaning given such term by Section 7701(a)(1) of the Internal Revenue Code of 1986; and

(ii) "Employing unit" has the meaning as set forth in Section 71-5-11.

(f) This subsection shall be interpreted and applied in such a manner as to meet the minimum requirements contained in any guidance or regulations issued by the United States Department of Labor.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2149

Description: MAEP; Department of Education required to hold harmless school district from calculating 2020-2021 average daily attendance.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(S) Referred To Education
2	01/13	(S) Title Suff Do Pass Comm Sub
3	02/11	(S) Committee Substitute Adopted
4	02/11	(S) Passed {Vote}
5	02/12	(S) Transmitted To House
6	02/24	(H) Referred To Education
7	03/02	(H) Title Suff Do Pass
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/12	(S) Enrolled Bill Signed
11	03/12	(H) Enrolled Bill Signed
12	03/18	Approved by Governor

Code Section: A 037-0151-0103

----- Additional Information -----

Senate Committee: Education
House Committee: Education

Principal Author: DeBar
Additional Authors: Chism, Turner-Ford, Moran, Whaley, Parker, Blount, Branning, Blackwell, Younger, Caughman, McMahan, Williams, Horhn, Parks, Simmons (12th), Simmons (13th), McLendon, Butler, Barnett, Frazier, Jackson (11th), Carter, Seymour, Tate, Suber, Jackson (32nd), Sparks, Thomas, McCaughn, Jordan, Norwood, DeLano, Boyd, Barrett, Harkins, Kirby, Fillingane

Title: AN ACT TO AMEND SECTION 37-151-103, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO HOLD SCHOOL DISTRICTS HARMLESS WHEN CALCULATING AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR; TO PROVIDE THAT

THE STATE DEPARTMENT OF EDUCATION SHALL USE EACH SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2019-2020 SCHOLASTIC YEAR IN PLACE OF THE SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR IF IT IS GREATER THAN THE SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR FOR THE PURPOSE OF CALCULATING FUNDING UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) DeBar, Chism, Turner-Ford, Moran, Whaley, Parker, Blount, Branning, Blackwell, Younger, Caughman, McMahan, Williams, Horhn, Parks, Simmons (12th), Simmons (13th), McLendon, Butler, Barnett, Frazier, Jackson (11th), Carter, Seymour, Tate, Suber, Jackson (32nd), Sparks, Thomas, McCaughn, Jordan, Norwood, DeLano, Boyd, Barrett, Harkins, Kirby, Fillingane

To: Education

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2149

AN ACT TO AMEND SECTION 37-151-103, MISSISSIPPI CODE OF 1972, TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO HOLD SCHOOL DISTRICTS HARMLESS WHEN CALCULATING AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR; TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION SHALL USE EACH SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2019-2020 SCHOLASTIC YEAR IN PLACE OF THE SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR IF IT IS GREATER THAN THE SCHOOL DISTRICT'S AVERAGE DAILY ATTENDANCE FOR THE 2020-2021 SCHOLASTIC YEAR FOR THE PURPOSE OF CALCULATING FUNDING UNDER THE MISSISSIPPI ADEQUATE EDUCATION PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 37-151-103, Mississippi Code of 1972, is amended as follows:

37-151-103. (1) Funds due each school district and charter school under the terms of this chapter from the Adequate Education Program Fund shall be paid in the following manner: Two (2) business days prior to the last working day of each month there shall be paid to each school district and charter school, by electronic funds transfer, one-twelfth (1/12) of the funds to which the district or charter school is entitled from funds appropriated for the Adequate Education Program Fund. However, in

December those payments shall be made on December 15th or the next business day after that date. All school districts shall process a single monthly payroll for licensed employees and may process a single monthly or a semimonthly payroll for nonlicensed employees, in the discretion of the local school board, with electronic settlement of payroll checks secured through direct deposit of net pay for all school district employees. In addition, the State Department of Education may pay school districts and charter schools from the common school fund and the Adequate Education Program Fund on a date earlier than provided for by this section if it is determined that it is in the best interest of school districts and charter schools to do so.

Provided, however, that if the cash balance in the State General Fund is not adequate on the due date to pay the amounts due to all school districts and charter schools in the state as determined by the State Superintendent of Education, the State Fiscal Officer shall not transfer said funds payable to any school district or districts or charter schools until money is available to pay the amount due to all districts and charter schools.

(2) Notwithstanding any provision of this chapter or any other law requiring the number of children in average daily attendance or the average daily attendance of transported children to be determined on the basis of the preceding year, the State Board of Education is hereby authorized and empowered to make proper adjustments in allotments in cases where major changes in

the number of children in average daily attendance or the average daily attendance of transported children occurs from one year to another as a result of changes or alterations in the boundaries of school districts, the sending of children from one county or district to another upon a contract basis, the termination or discontinuance of a contract for the sending of children from one county or district to another, a change in or relocation of attendance centers, or for any other reason which would result in a major decrease or increase in the number of children in average daily attendance or the average daily attendance of transported children during the current school year as compared with the preceding year.

(3) In the event of an inordinately large number of absentees in any school district or charter school as a result of epidemic, natural disaster, or any concerted activity discouraging school attendance, then in such event school attendance for the purposes of determining average daily attendance under the adequate education program shall be based upon the average daily attendance for the preceding school year for such school district or charter school.

(4) The State Department of Education shall hold school districts harmless for each school district's average daily attendance calculation for the 2020-2021 scholastic year. For purposes of determining average daily attendance for the 2020-2021 scholastic year, the State Department of Education shall use each

school district's average daily attendance for the 2019-2020 scholastic year if it is greater than the school's average daily attendance for the 2020-2021 scholastic year.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2165

Description: Veterans Service Officers; revise certain qualifications and requirements.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(S)	Referred To Veterans and Military Affairs; Accountability, Efficiency, Transparency
2	01/26	(S)	DR - TSDP: VM To AC
3	02/02	(S)	Title Suff Do Pass
4	02/10	(S)	Passed {Vote}
5	02/11	(S)	Transmitted To House
6	02/23	(H)	Referred To Military Affairs
7	03/02	(H)	Title Suff Do Pass
8	03/09	(H)	Passed {Vote}
9	03/10	(H)	Returned For Enrolling
10	03/12	(S)	Enrolled Bill Signed
11	03/12	(H)	Enrolled Bill Signed
12	03/17		Approved by Governor

Code Section: A 035-0003-0021

----- Additional Information -----

Senate Committee: Veterans and Military Affairs, Accountability, Efficiency, Transparency
House Committee: Military Affairs

Principal Author: Seymour
Additional Authors: Jackson (11th), England

Title: AN ACT TO AMEND SECTION 35-3-21, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN QUALIFICATIONS AND REQUIREMENTS FOR VETERANS SERVICE OFFICERS AND TO REQUIRE THE COUNTIES TO PROVIDE NECESSARY OFFICE SPACE AND CONNECTIVITY; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2165

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: Senator(s) Seymour, Jackson (11th), England

To: Veterans and Military Affairs; Accountability, Efficiency, Transparency

SENATE BILL NO. 2165

AN ACT TO AMEND SECTION 35-3-21, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN QUALIFICATIONS AND REQUIREMENTS FOR VETERANS SERVICE OFFICERS AND TO REQUIRE THE COUNTIES TO PROVIDE NECESSARY OFFICE SPACE AND CONNECTIVITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 35-3-21, Mississippi Code of 1972, is amended as follows:

35-3-21. In order to maintain offices and pay personnel for the purpose of assisting all residents of the State of Mississippi who served in the military or naval forces of the United States during any war, their relatives, beneficiaries or dependents, to receive from the United States any and all compensation, hospitalization, insurance or other aid or benefits to which they may be entitled under existing or hereafter enacted laws of the United States, the boards of supervisors in the various counties in the state are hereby authorized and empowered, in their discretion, to expend out of the general county fund, or special veterans' fund herein authorized to be set up, or from both of

such funds, such monies necessary to defray the office operating expenses and salary of the county veteran service officers.

Two (2) or more counties may, upon resolution duly adopted by the board of supervisors of each of such counties, agree to establish one (1) veteran service office for all of such counties. When two (2) or more counties enter into such an agreement, each county shall pay such amount mutually agreed upon and duly adopted by resolution of the respective boards of supervisors.

County veteran service officers shall be (a) honorably discharged or honorably released veterans * * * in which the Armed Forces of the United States have been, are or shall be committed for action; (b) the surviving spouse or child of any such deceased veteran; or (c) any person employed as a county veteran service officer in any county of this state on March 30, 1990. From and after July 1, 1990, county veteran service officers shall be certified by the Mississippi State Veterans' Affairs Board which, among any other criteria it may establish, shall require such officers to (a) attend * * * one (1) of the * * * annual training programs provided for such officers by the Mississippi State Veterans' Affairs Board, * * * (b) successfully complete a written examination each year on the duties and responsibilities of and assistance available to such officers and veterans, (c) have certification and be accredited according to 38 CFR Section 14.629 administered by the Mississippi State Veterans' Affairs Board, and (d) follow the rules and regulations promulgated by the

Mississippi State Veterans' Affairs Board. * * * County veteran service officers who annually receive and complete such instruction in a manner satisfactory to the Veterans' Affairs Board and in accordance with this section shall be certified by the board. No county veteran service officer shall be entitled to receive any compensation for his services, to which he is otherwise entitled by law, unless he is annually certified by the board.

County veteran service officers may be employed, in the discretion of the boards of supervisors, either full time or part time.

The boards of supervisors of the various counties are authorized and directed to provide necessary office space and communications connectivity for county veteran service officers.

The boards of supervisors of the various counties are further authorized and empowered to pay all necessary and actual expenses of county veteran service officers who attend a school of instruction within the State of Mississippi for such county veteran service officers.

It shall also be the duty of the boards of supervisors to aid the United States to defeat all unjust claims for aid or benefit therefrom.

Such expenditures may be made by the several counties acting alone, or in cooperation with other counties, and in cooperation with any federal or state agency carrying out such purposes.

In the event that the general revenues of the county levied under and within the limits of existing taxing statutes are not sufficient to pay the expenses authorized herein, the board of supervisors may, in its discretion, levy an additional tax not to exceed one (1) mill on all taxable property in the county to defray such expenses or any part thereof. Any tax levy made under authority of this chapter shall not be considered in refunding homestead exemption losses under Title 27, Chapter 33, Mississippi Code of 1972.

SECTION 3. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2189

Description: Counties and municipalities; authorize to offer Medicare-eligible employees supplemental compensation if employees secure Medicare.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(S)	Referred To Accountability, Efficiency, Transparency
2	01/28	(S)	Title Suff Do Pass
3	02/04	(S)	Amended
4	02/04	(S)	Passed As Amended {Vote}
5	02/05	(S)	Transmitted To House
6	02/24	(H)	Referred To County Affairs; Municipalities
7	02/25	(H)	DR - TSDP: CA To MU
8	03/02	(H)	DR - TSDP: MU To CA
9	03/02	(H)	Title Suff Do Pass
10	03/09	(H)	Passed {Vote}
11	03/10	(H)	Returned For Enrolling
12	03/12	(S)	Enrolled Bill Signed
13	03/12	(H)	Enrolled Bill Signed
14	03/18		Approved by Governor

Amendments:

[S] Amendment No 1 ***Adopted*** Voice Vote

Code Section: A 025-0015-0103

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: County Affairs, Municipalities

Principal Author: Hill

Title: AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY COUNTY OR MUNICIPALITY TO OFFER ANY MEDICARE-

ELIGIBLE EMPLOYEE SUPPLEMENTAL COMPENSATION IF THE EMPLOYEE CHOOSES TO SECURE MEDICARE COVERAGE IN LIEU OF PARTICIPATING IN ANY COUNTY OR MUNICIPAL MEDICAL OR HEALTH INSURANCE PROGRAM; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2189

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Hill — To: Accountability, Efficiency, Transparency

SENATE BILL NO. 2189
(As Passed the Senate)

AN ACT TO AMEND SECTION 25-15-103, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ANY COUNTY OR MUNICIPALITY TO OFFER ANY MEDICARE-ELIGIBLE EMPLOYEE SUPPLEMENTAL COMPENSATION IF THE EMPLOYEE CHOOSES TO SECURE MEDICARE COVERAGE IN LIEU OF PARTICIPATING IN ANY COUNTY OR MUNICIPAL MEDICAL OR HEALTH INSURANCE PROGRAM; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-15-103, Mississippi Code of 1972, is amended as follows:

25-15-103. (1) The maximum amount of group insurance or other coverage used in determining employer's limitation of one hundred percent (100%) of such costs shall be determined by regulations promulgated by the governing board or head of any political subdivision, school district, junior college district, institution, department or agency named in Section 25-15-101 and this section, but the life insurance for each employee shall not exceed Fifty Thousand Dollars ($50,000.00), or the amount of deduction allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. A like amount may be for accidental death * * *, accident, health and salary

protection insurance, providing benefits not exceeding sixty percent (60%) of the employee's income, or the amount allowed by the United States Internal Revenue Service in filing a federal tax return, whichever is greater. Hospitalization benefits for room and board may not exceed the average semiprivate cost per day; and the other coverages authorized hereinabove. The limitations in this * * * subsection on the amount of group insurance and other coverage which employers may obtain for their employees shall not be applicable to municipalities.

(2) Any employee who retires due to one hundred percent (100%) medical disability, or due to reaching the statutory age of retirement under the provisions of the Public Employees' Retirement Law of 1952, being Sections 25-11-101 through 25-11-139, may, if he elects, remain a member of the group plan for such life insurance and other benefits as may be agreed to by the governing board or institution, department, or agency head and the companies writing such insurance and other coverage, by paying the entire costs thereof.

(3) When any of the political subdivisions, school districts, junior college districts, institutions, departments, or agencies named in Section 25-15-101 and this section have adopted the group coverage plan authorized by said sections, any of the employees thereof participating in the plan who desire to secure additional benefits for their dependents with the company or companies providing such group coverage may do so by authorizing

in writing the deduction from his or her salary or wages of the necessary amounts for the full payment of such additional coverage, and the same may be deducted and paid for such purposes, but the entire cost of such additional coverage for dependents shall be paid by the employee.

(4) (a) A municipality may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the municipality may pay the total of the cost of all benefits under this section.

(b) A county may provide group life insurance coverage for all or specified groups of its public employees and group hospitalization benefits for such public employees and their dependents, and the county may pay the total of the cost of all benefits under this section. A county may make such provision, as specified under this paragraph, retroactively for any existing group coverage plan previously adopted by the county.

(5) (a) The board of supervisors of any county or governing authority of any municipality may offer any Medicare-eligible county or municipal employee supplemental compensation if the employee chooses to secure Medicare coverage in lieu of participating in any county or municipal medical or health insurance program, as the case may be, limited to an amount which shall not exceed the county's or municipality's cost for the employee to participate in such county or municipal medical or

health insurance program. The provisions of this subsection shall not apply to coverage by Medicaid. Nothing in this subsection shall be construed to require a county or municipal employee to choose Medicare coverage in lieu of participating in any county or municipal medical or health insurance program, and a county or municipality shall not withhold participation in any county or municipal medical or health insurance program by a Medicare-eligible employee who is otherwise eligible for such county or municipal medical or health insurance program.

(b) Before the supplemental compensation may be provided, as specified under this subsection, the employee shall provide verifiable proof that he has secured coverage under Medicare. Receipt of purchase for the Medicare coverage shall be provided on an annual basis to the employer.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2204

Description: Revised LLC Act and MS Registered Agents Act; require listing of registered agent's email address.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/08	(S) Referred To Business and Financial Institutions
2	01/28	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Banking and Financial Services
6	03/02	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/11	(S) Enrolled Bill Signed
10	03/11	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: A 079-0035-0005, A 079-0035-0006, A 079-0035-0009, A 079-0035-0010, A 079-0029-0215

----- Additional Information -----

Senate Committee: Business and Financial Institutions
House Committee: Banking and Financial Services

Principal Author: Parker

Title: AN ACT TO AMEND SECTIONS 79-35-5, 79-35-6, 79-35-9, 79-35-10 AND 79-29-215, MISSISSIPPI CODE OF 1972, TO REQUIRE THE EMAIL ADDRESS OF REGISTERED AGENTS IN CERTAIN FILINGS UNDER THE MISSISSIPPI REGISTERED AGENTS ACT AND THE REVISED LIMITED LIABILITY COMPANY ACT; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2204

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: False — To: Business and Financial Institutions

SENATE BILL NO. 2204

AN ACT TO AMEND SECTIONS 79-35-5, 79-35-6, 79-35-9, 79-35-10 AND 79-29-215, MISSISSIPPI CODE OF 1972, TO REQUIRE THE EMAIL ADDRESS OF REGISTERED AGENTS IN CERTAIN FILINGS UNDER THE MISSISSIPPI REGISTERED AGENTS ACT AND THE REVISED LIMITED LIABILITY COMPANY ACT; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 79-35-5, Mississippi Code of 1972, is amended as follows:

79-35-5. **Appointment of registered agent.** (a) A registered agent filing must state:

(1) The name of the represented entity's commercial registered agent; or

(2) If the entity does not have a commercial registered agent, the name * * *, address and email address of the entity's noncommercial registered agent.

(b) The appointment of a registered agent pursuant to subsection (a)(1) or (a)(2) of this section is an affirmation by the represented entity that:

(1) The entity has:

(A) Notified the agent of the appointment; and

(B) Provided the agent with a forwarding address as provided in Section 79-35-14; and

(2) The agent has consented to serve as such.

(c) The Secretary of State shall make available in a record as soon as practicable a daily list of filings that contain the name of a registered agent. The list must:

(1) Be available for at least fourteen (14) calendar days;

(2) List in alphabetical order the names of the registered agents; and

(3) State the type of filing and name of the represented entity making the filing.

SECTION 2. Section 79-35-6, Mississippi Code of 1972, is amended as follows:

79-35-6. **Listing of commercial registered agent.** (a) An individual or a domestic or foreign entity may become listed as a commercial registered agent by filing with the Secretary of State a commercial registered agent listing statement signed by or on behalf of the person which states:

(1) The name of the individual or the name, type, and jurisdiction of organization of the entity; and

(2) The email address and address of a place of business of the person in this state to which service of process

and other notice and documents being served on or sent to entities represented by it may be delivered.

(b) A commercial registered agent listing statement may include the information regarding acceptance of service of process in a record by the commercial registered agent provided for in Section 79-35-13(d).

(c) If the name of a person filing a commercial registered agent listing statement is not distinguishable on the records of the Secretary of State from the name of another commercial registered agent listed under this section, the person must adopt a fictitious name that is distinguishable and use that name in its statement and when it does business in this state as a commercial registered agent.

(d) A commercial registered agent listing statement takes effect on filing.

(e) The commercial registered agent listing statement must be accompanied by a list in alphabetical order of the entities represented by the person. The Secretary of State shall note the filing of the commercial registered agent listing statement in the index of filings maintained by the Secretary of State for each listed entity. The statement has the effect of deleting the address of the registered agent from the registered agent filing of each of those entities.

SECTION 3. Section 79-35-9, Mississippi Code of 1972, is amended as follows:

79-35-9. **Change of name or address by noncommercial registered agent.** (a) If a noncommercial registered agent changes its name, email address or its address as currently in effect with respect to a represented entity pursuant to Section 79-35-5(a), the agent shall file with the Secretary of State, with respect to each entity represented by the agent, a statement of change signed by or on behalf of the agent which states:

(1) The name of the entity;

(2) The name, email address and address of the agent as currently in effect with respect to the entity;

(3) If the name of the agent has changed, its new name; * * *

(4) If the address of the agent has changed, the new address; and

(5) If the email address of the agent has changed, the new email address.

(b) A statement of change filed under this section takes effect on filing.

(c) A noncommercial registered agent shall promptly furnish the represented entity with notice in a record of the filing of a statement of change and the changes made by the filing.

SECTION 4. Section 79-35-10, Mississippi Code of 1972, is amended as follows:

79-35-10. **Change of name, address, or type of organization by commercial registered agent.** (a) If a commercial registered

agent changes its name, email address, its address as currently listed under Section 79-35-6(a), or its type or jurisdiction of organization, the agent shall file with the Secretary of State a statement of change signed by or on behalf of the agent which states:

(1) The name of the agent as currently listed under Section 79-35-6(a);

(2) If the name of the agent has changed, its new name;

(3) If the address of the agent has changed, the new address; * * *

(4) If the type or jurisdiction of organization of the agent has changed, the new type or jurisdiction of organization * * *; and

(5) If the email address of the agent has changed, the new email address.

(b) The filing of a statement of change under subsection (a) of this section is effective to change the information regarding the commercial registered agent with respect to each entity represented by the agent.

(c) A statement of change filed under this section takes effect on filing.

(d) A commercial registered agent shall promptly furnish each entity represented by it with notice in a record of the filing of a statement of change relating to the name, email

address or address of the agent and the changes made by the filing.

(e) If a commercial registered agent changes its address without filing a statement of change as required by this section, the Secretary of State may cancel the listing of the agent under Section 79-35-6. A cancellation under this subsection has the same effect as a termination under Section 79-35-7. Promptly after canceling the listing of an agent, the Secretary of State shall serve notice in a record in the manner provided in Section 79-35-13(b) or (c) on:

(1) Each entity represented by the agent, stating that the agent has ceased to be an agent for service of process on the entity and that, until the entity appoints a new commercial registered agent, service of process may be made on the entity as provided in Section 79-35-13; and

(2) The agent, stating that the listing of the agent has been canceled under this section.

SECTION 5. Section 79-29-215, Mississippi Code of 1972, is amended as follows:

79-29-215. (1) Each domestic limited liability company and each foreign limited liability company authorized to transact business in this state shall deliver on such date as may be established by the Secretary of State, to the Secretary of State for filing an annual report that sets forth:

(a) The name of the limited liability company and the state or country or other foreign jurisdiction under whose law it is organized;

(b) The name, email address, and street or physical address of its registered agent in this state;

(c) The address of its principal office;

(d) The names and business addresses of the managers if manager-managed and the name and address of at least one (1) member if member-managed;

(e) The names, titles and business addresses of its principal officers, if any;

(f) A statement as to whether the limited liability company has a written operating agreement; and

(g) A brief description of the nature of its business.

(2) Information in the annual report must be current as of the date the annual report is executed on behalf of the limited liability company.

(3) If an annual report does not contain the information required by this section, the Secretary of State shall notify promptly in writing the reporting limited liability company and return the report to it for correction. If the report is corrected to contain the information required by this section and delivered to the Secretary of State within thirty (30) days after the effective date of notice, it is deemed to be timely filed.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2221

Description: Mississippi Dementia Care Program, Food Bank Pilot Programming; create.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: ** See Text

History of Actions:

1	01/08	(S)	Referred To Public Health and Welfare; Appropriations
2	02/02	(S)	DR - TSDPCS: PH To AP
3	02/02	(S)	Title Suff Do Pass Comm Sub
4	02/11	(S)	Committee Substitute Adopted
5	02/11	(S)	Amended
6	02/11	(S)	Passed As Amended {Vote}
7	02/22	(S)	Transmitted To House
8	02/24	(H)	Referred To Appropriations
9	02/25	(H)	Title Suff Do Pass As Amended
10	03/03	(H)	Amended
11	03/03	(H)	Passed As Amended {Vote}
12	03/03	(H)	Immediate Release
13	03/03	(H)	Returned For Concurrence
14	03/04	(S)	Concurred in Amend From House {Vote}
15	03/04	(S)	Immediate Release
16	03/04	(S)	Enrolled Bill Signed
17	03/04	(H)	Enrolled Bill Signed
18	03/10		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote
[H] Committee Amendment No 1 ***Adopted*** Voice Vote
[H] Amendment No 1 to Amendment No 1 ***Adopted*** Voice Vote
Amendment Report for Senate Bill No. 2221

----- Additional Information -----

Senate Committee: Public Health and Welfare, Appropriations
House Committee: Appropriations

Principal Author: Boyd

Additional Authors: Barnett, Barrett, Blackwell, Branning, Butler, Carter, Caughman, Chassaniol, DeLano, England, Fillingane, Frazier, Horhn, Jackson (11th), Jackson (32nd), Jordan, McCaughn, McLendon, Moran, Norwood, Parker, Parks, Seymour, Simmons (12th), Simmons (13th), Sparks, Suber, Tate, Thomas, Thompson, Whaley, Williams, Younger

Title: AN ACT TO ESTABLISH THE MISSISSIPPI DEMENTIA CARE PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES AS A PILOT PROGRAM FOR THE PURPOSE OF RESPITE CARE SERVICES TO INFORMAL CAREGIVERS OF AND PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DEMENTIA; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE PROGRAM; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL ESTABLISH A GRANT PROGRAM FOR REGIONAL FOOD BANKS THAT SERVE MISSISSIPPI TO PROVIDE ANNUAL GRANT FUNDING TO THE REGIONAL FOOD BANKS; TO PROVIDE A FORMULA TO CALCULATE THE ANNUAL PERCENTAGE OF FUNDS AWARDED TO EACH REGIONAL FOOD BANK; TO AUTHORIZE CERTAIN COMMUNITY FOUNDATION HOLDING CERTAIN APPROPRIATED FEDERAL FUNDS TO MAKE GRANTS TO FOOD PANTRIES; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2221

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Boyd, Barnett, Barrett, Blackwell, Branning, Butler, Carter, Caughman, Chassaniol, DeLano, England, Fillingane, Frazier, Horhn, Jackson (11th), Jackson (32nd), Jordan, McCaughn, McLendon, Moran, Norwood, Parker, Parks, Seymour, Simmons (12th), Simmons (13th), Sparks, Suber, Tate, Thomas, Thompson, Whaley, Williams, Younger

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2221
(As Sent to Governor)

AN ACT TO ESTABLISH THE MISSISSIPPI DEMENTIA CARE PROGRAM WITHIN THE DEPARTMENT OF HUMAN SERVICES AS A PILOT PROGRAM FOR THE PURPOSE OF RESPITE CARE SERVICES TO INFORMAL CAREGIVERS OF AND PERSONS WITH ALZHEIMER'S DISEASE OR RELATED DEMENTIA; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE PROGRAM; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL ESTABLISH A GRANT PROGRAM FOR REGIONAL FOOD BANKS THAT SERVE MISSISSIPPI TO PROVIDE ANNUAL GRANT FUNDING TO THE REGIONAL FOOD BANKS; TO PROVIDE A FORMULA TO CALCULATE THE ANNUAL PERCENTAGE OF FUNDS AWARDED TO EACH REGIONAL FOOD BANK; TO AUTHORIZE CERTAIN COMMUNITY FOUNDATION HOLDING CERTAIN APPROPRIATED FEDERAL FUNDS TO MAKE GRANTS TO FOOD PANTRIES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Sections 1 through 4 of this act shall be known and may be cited as the "Jimmy Kaigler Alzheimer's Support Act." James Street "Jimmy" Kaigler was born and raised in Clarksdale, Mississippi, and was a graduate of the University of Mississippi. Kaigler served as a Captain in the United States Air Force from 1966 to 1972. Following his tour in Vietnam, Captain Kaigler was awarded the Bronze Star for meritorious service. Kaigler later worked as President and CEO of Memorial Hospital in Gulfport. Sections 1 through 4 of this act shall serve as testament to

Captain Kaigler's life as well as a tribute to the loving care provided by his wife and family.

SECTION 2. (1) The Legislature finds that:

(a) Families caring for a loved one with Alzheimer's disease or a related dementia at home are often burdened with excessive financial or personal costs of providing continuous care;

(b) Medicare does not pay for long-term care or provide support to family caregivers;

(c) Long-term care insurance is costly and may not be affordable to low-and-middle income families and may not cover essential services for the length of time needed for an Alzheimer's patient; and

(d) Providing respite care services to those with Alzheimer's may delay or supplant the need for transfer to a long-term skilled nursing facility, allowing for the individual with Alzheimer's to remain in his or her home environment.

SECTION 3. As used in Sections 1 through 4 of this act, the following terms shall be defined as provided in this section:

(a) "Alzheimer's disease" or "related dementia" means the diseases and conditions characterized by a decline in memory, language, problem-solving and other thinking skills that affect a person's ability to perform everyday activities.

(b) "Mississippi Dementia Care Program" means the Alzheimer's or related dementia pilot program created in this act.

(c) "Informal caregiver" means any spouse, adult child, relative or friend who provides unpaid assistance to an individual living in the community who suffers from Alzheimer's or other related dementia.

(d) "Respite care" means temporary, substitute support or living arrangements to provide a brief period of relief or rest for informal caregivers. Respite care may include in-home care by appropriately trained individuals, or care in an adult day care or assisted living or nursing home setting, for an intermittent, occasional or emergency basis.

SECTION 4. (1) Subject to the appropriation of federal funds for that purpose, there is established within the Department of Human Services a pilot program known as the "Mississippi Dementia Care Program" for the purpose of providing respite care services to informal caregivers of persons with Alzheimer's disease or related dementia. The pilot program shall use existing respite care services infrastructure and selected fiscal agent to carry out the operations of the program. The State Department of Mental Health, the State Department of Health and the University of Mississippi Medical Center shall cooperate with and provide assistance to the Department of Human Services in the establishment and operation of the program and in seeking to obtain federal funds for the program.

(2) The Mississippi Dementia Care Program shall:

(a) Be operated for a period of three (3) consecutive years beginning on July 1, 2022, and continuing through July 1, 2025;

(b) Begin enrolling participating individuals immediately upon beginning of the program; and

(c) Actively serve not more than sixty (60) enrollees for the first year of operation, and maintain this number of enrollees for the second and third year of operation.

(3) To receive assistance from the Mississippi Dementia Care program, the family unit must be assessed according to the guidelines developed by the department to determine the need for respite care services. This assessment must determine, at a minimum, that:

(a) The family unit is unable to pay for respite care without jeopardizing other basic needs, including, but not limited to, food, shelter and medications; and

(b) The homebound person with Alzheimer's disease or related dementia for whom the family unit is caring is sixty (60) years of age or older, requires assistance to remain in the home, and, without this assistance, would need to move to an assisted living facility or a nursing facility.

(4) The Department of Human Services shall promulgate rules and regulations to effectuate the purposes of Sections 1 through 4 of this act.

(5) The executive director of the department shall submit a report to the Legislature on or before January 1, 2023, and on or before January 1st of each year thereafter until the end of the pilot program period. The report shall include, but is not limited to, the following information:

(a) Total spent on program funding;

(b) The amount of administrative costs to operate the program;

(c) The number of individuals and informal caregivers served by the program;

(d) The income ranges of the individuals and informal caregivers participating in this program; and

(e) The efficacy of the assistance program.

(6) This section does not create an entitlement to respite care services through the provisions of this program, and the services provided and the number of individuals served are subject to appropriations of federal funds for that purpose.

SECTION 5. (1) As used in this section, the term "regional food banks" means the three (3) Feeding America partner food banks that serve Mississippi, including Feeding the Gulf Coast, Mid-South Food Bank, and Mississippi Food Network, which are nonprofit organizations that solicit, warehouse and redistribute eligible food to agencies in Mississippi that feed families and individuals who qualify based on federal guidelines.

(2) Subject to the appropriation of federal funds for that purpose, the Department of Human Services shall establish a grant program for regional food banks to provide annual grant funding to the regional food banks for the purchase, transportation, storage and distribution of food in Mississippi. Grants shall be made from federal funds available to the department for such purpose. Grants made pursuant to the program shall be used only for the purchase of food or agricultural commodities for repackaging or processing, or both, of food for distribution to emergency food providers serving Mississippi and program participants residing in Mississippi.

(3) The department shall administer the program and shall use not more than one percent (1%) of the funds made available for the program for expenses of administering the program.

(4) All food purchases made through the use of program funds shall be made in accordance with the following standards:

(a) Procurement from Mississippi-based food sources shall be given preference when available and at a reasonable cost;

(b) Food shall be purchased at wholesale prices or competitive bid prices or better; and

(c) Funds for food and food provided through this program shall be used to supplement and not replace funds for food or food provided through the U.S. Department of Agriculture's federal commodities program.

(5) The department shall allocate money to regional food banks based on population, food insecurity rates, and county service areas. The annual percentage formula for each nonprofit food bank shall be calculated on a pro rata basis by dividing the total number of food insecure persons in the food bank's service area by the total number of food insecure persons in the state. The data for this formula shall be derived from the latest available data from Feeding America.

(6) Not more than seven percent (7%) of the grant funds made available through the program to a regional food bank shall be used by any regional food bank for the payment of administrative and incidental costs.

(7) No regional food bank shall charge any person who is eligible under the program for food or encourage any eligible person to contribute money in order to receive food under the program.

SECTION 6. From and after February 1, 2021, any community foundation holding funds appropriated by Section 2, Chapter 104, Laws of 2020, as amended by Section 1, Chapter 118, Laws of 2020, may (a) make grants in amounts to be determined by the foundations to any food pantry, regardless of whether the funds were designated for food pantries or nonprofit entities; or (b) transfer funds to another community foundation for the purpose described in paragraph (a). No community foundation or food pantry shall be subject to the provisions of Section 31-7-1 et

seq., unless it is an agency of the State of Mississippi or its governing authority, since Section 31-7-1 et seq. applies only to state agencies and to governing authorities.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021, except for Section 6, which shall take effect and be in force from and after the passage of this act.

Mississippi Legislature
2021 Regular Session

Senate Bill 2253

Description: Concealed carry weapons permit; combine with driver's license or identification card.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/11	(S) Referred To Judiciary, Division A
2	01/28	(S) Title Suff Do Pass
3	02/08	(S) Passed {Vote}
4	02/09	(S) Transmitted To House
5	02/24	(H) Referred To Judiciary A
6	03/01	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/12	(S) Enrolled Bill Signed
10	03/12	(H) Enrolled Bill Signed
11	03/18	Approved by Governor

Code Section: A 045-0009-0101

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Fillingane

Title: AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THE OPTION OF INCLUDING A CONCEALED CARRY WEAPONS PERMIT AS A NOTATION ON A DRIVER'S LICENSE OR IDENTIFICATION CARD; TO PROVIDE THAT THE EXPIRATION DATE SHALL BE THE SAME AS THAT OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD; TO GRANT THE COMMISSIONER OF PUBLIC SAFETY THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS WHICH MAY BE NECESSARY TO ENSURE THE EFFECTIVENESS OF THE CONCURRENT APPLICATION AND RENEWAL PROCESSES; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2253

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) Fillingane To: Judiciary, Division A

SENATE BILL NO. 2253

AN ACT TO AMEND SECTION 45-9-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THE OPTION OF INCLUDING A CONCEALED CARRY WEAPONS PERMIT AS A NOTATION ON A DRIVER'S LICENSE OR IDENTIFICATION CARD; TO PROVIDE THAT THE EXPIRATION DATE SHALL BE THE SAME AS THAT OF THE DRIVER'S LICENSE OR IDENTIFICATION CARD; TO GRANT THE COMMISSIONER OF PUBLIC SAFETY THE AUTHORITY TO PROMULGATE RULES AND REGULATIONS WHICH MAY BE NECESSARY TO ENSURE THE EFFECTIVENESS OF THE CONCURRENT APPLICATION AND RENEWAL PROCESSES; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 45-9-101, Mississippi Code of 1972, is amended as follows:

45-9-101. (1) (a) Except as otherwise provided, the Department of Public Safety is authorized to issue licenses to carry stun guns, concealed pistols or revolvers to persons qualified as provided in this section. Such licenses shall be valid throughout the state for a period of five (5) years from the date of issuance, except as provided in subsection (25) of this section. Any person possessing a valid license issued pursuant to this section may carry a stun gun, concealed pistol or concealed revolver.

(b) The licensee must carry the license, together with valid identification, at all times in which the licensee is carrying a stun gun, concealed pistol or revolver and must display both the license and proper identification upon demand by a law enforcement officer. A violation of the provisions of this paragraph (b) shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by summons.

(2) The Department of Public Safety shall issue a license if the applicant:

(a) Is a resident of the state. However, this residency requirement may be waived if the applicant possesses a valid permit from another state, is active military personnel stationed in Mississippi, or is a retired law enforcement officer establishing residency in the state;

(b) (i) Is twenty-one (21) years of age or older; or

(ii) Is at least eighteen (18) years of age but not yet twenty-one (21) years of age and the applicant:

1. Is a member or veteran of the United States Armed Forces, including National Guard or Reserve; and

2. Holds a valid Mississippi driver's license or identification card issued by the Department of Public Safety;

(c) Does not suffer from a physical infirmity which prevents the safe handling of a stun gun, pistol or revolver;

(d) Is not ineligible to possess a firearm by virtue of having been convicted of a felony in a court of this state, of any other state, or of the United States without having been pardoned or without having been expunged for same;

(e) Does not chronically or habitually abuse controlled substances to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses controlled substances to the extent that his faculties are impaired if the applicant has been voluntarily or involuntarily committed to a treatment facility for the abuse of a controlled substance or been found guilty of a crime under the provisions of the Uniform Controlled Substances Law or similar laws of any other state or the United States relating to controlled substances within a three-year period immediately preceding the date on which the application is submitted;

(f) Does not chronically and habitually use alcoholic beverages to the extent that his normal faculties are impaired. It shall be presumed that an applicant chronically and habitually uses alcoholic beverages to the extent that his normal faculties are impaired if the applicant has been voluntarily or involuntarily committed as an alcoholic to a treatment facility or has been convicted of two (2) or more offenses related to the use of alcohol under the laws of this state or similar laws of any other state or the United States within the three-year period

immediately preceding the date on which the application is submitted;

(g) Desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself;

(h) Has not been adjudicated mentally incompetent, or has waited five (5) years from the date of his restoration to capacity by court order;

(i) Has not been voluntarily or involuntarily committed to a mental institution or mental health treatment facility unless he possesses a certificate from a psychiatrist licensed in this state that he has not suffered from disability for a period of five (5) years;

(j) Has not had adjudication of guilt withheld or imposition of sentence suspended on any felony unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled;

(k) Is not a fugitive from justice; and

(l) Is not disqualified to possess a weapon based on federal law.

(3) The Department of Public Safety may deny a license if the applicant has been found guilty of one or more crimes of violence constituting a misdemeanor unless three (3) years have elapsed since probation or any other conditions set by the court have been fulfilled or expunction has occurred prior to the date on which the application is submitted, or may revoke a license if

the licensee has been found guilty of one or more crimes of violence within the preceding three (3) years. The department shall, upon notification by a law enforcement agency or a court and subsequent written verification, suspend a license or the processing of an application for a license if the licensee or applicant is arrested or formally charged with a crime which would disqualify such person from having a license under this section, until final disposition of the case. The provisions of subsection (7) of this section shall apply to any suspension or revocation of a license pursuant to the provisions of this section.

(4) The application shall be completed, under oath, on a form promulgated by the Department of Public Safety and shall include only:

(a) The name, address, place and date of birth, race, sex and occupation of the applicant;

(b) The driver's license number or social security number of applicant;

(c) Any previous address of the applicant for the two (2) years preceding the date of the application;

(d) A statement that the applicant is in compliance with criteria contained within subsections (2) and (3) of this section;

(e) A statement that the applicant has been furnished a copy of this section and is knowledgeable of its provisions;

(f) A conspicuous warning that the application is executed under oath and that a knowingly false answer to any question, or the knowing submission of any false document by the applicant, subjects the applicant to criminal prosecution; and

(g) A statement that the applicant desires a legal means to carry a stun gun, concealed pistol or revolver to defend himself.

(5) The applicant shall submit only the following to the Department of Public Safety:

(a) A completed application as described in subsection (4) of this section;

(b) A full-face photograph of the applicant taken within the preceding thirty (30) days in which the head, including hair, in a size as determined by the Department of Public Safety, except that an applicant who is younger than twenty-one (21) years of age must submit a photograph in profile of the applicant;

(c) A nonrefundable license fee of Eighty Dollars ($80.00). Costs for processing the set of fingerprints as required in paragraph (d) of this subsection shall be borne by the applicant. Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the payment of the license fee;

(d) A full set of fingerprints of the applicant administered by the Department of Public Safety; and

(e) A waiver authorizing the Department of Public Safety access to any records concerning commitments of the applicant to any of the treatment facilities or institutions referred to in subsection (2) and permitting access to all the applicant's criminal records.

(6) (a) The Department of Public Safety, upon receipt of the items listed in subsection (5) of this section, shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing.

(b) The Department of Public Safety shall forward a copy of the applicant's application to the sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence. The sheriff of the applicant's county of residence and, if applicable, the police chief of the applicant's municipality of residence may, at his discretion, participate in the process by submitting a voluntary report to the Department of Public Safety containing any readily discoverable prior information that he feels may be pertinent to the licensing of any applicant. The reporting shall be made within thirty (30) days after the date he receives the copy of the application. Upon receipt of a response from a sheriff or police chief, such sheriff or police chief shall be reimbursed at a rate set by the department.

(c) The Department of Public Safety shall, within forty-five (45) days after the date of receipt of the items listed in subsection (5) of this section:

(i) Issue the license;

(ii) Deny the application based solely on the ground that the applicant fails to qualify under the criteria listed in subsections (2) and (3) of this section. If the Department of Public Safety denies the application, it shall notify the applicant in writing, stating the ground for denial, and the denial shall be subject to the appeal process set forth in subsection (7); or

(iii) Notify the applicant that the department is unable to make a determination regarding the issuance or denial of a license within the forty-five-day period prescribed by this subsection, and provide an estimate of the amount of time the department will need to make the determination.

(d) In the event a legible set of fingerprints, as determined by the Department of Public Safety and the Federal Bureau of Investigation, cannot be obtained after a minimum of two (2) attempts, the Department of Public Safety shall determine eligibility based upon a name check by the Mississippi Highway Safety Patrol and a Federal Bureau of Investigation name check conducted by the Mississippi Highway Safety Patrol at the request of the Department of Public Safety.

(7) (a) If the Department of Public Safety denies the issuance of a license, or suspends or revokes a license, the party aggrieved may appeal such denial, suspension or revocation to the Commissioner of Public Safety, or his authorized agent, within thirty (30) days after the aggrieved party receives written notice of such denial, suspension or revocation. The Commissioner of Public Safety, or his duly authorized agent, shall rule upon such appeal within thirty (30) days after the appeal is filed and failure to rule within this thirty-day period shall constitute sustaining such denial, suspension or revocation. Such review shall be conducted pursuant to such reasonable rules and regulations as the Commissioner of Public Safety may adopt.

(b) If the revocation, suspension or denial of issuance is sustained by the Commissioner of Public Safety, or his duly authorized agent pursuant to paragraph (a) of this subsection, the aggrieved party may file within ten (10) days after the rendition of such decision a petition in the circuit or county court of his residence for review of such decision. A hearing for review shall be held and shall proceed before the court without a jury upon the record made at the hearing before the Commissioner of Public Safety or his duly authorized agent. No such party shall be allowed to carry a stun gun, concealed pistol or revolver pursuant to the provisions of this section while any such appeal is pending.

(8) The Department of Public Safety shall maintain an automated listing of license holders and such information shall be available online, upon request, at all times, to all law enforcement agencies through the Mississippi Crime Information Center. However, the records of the department relating to applications for licenses to carry stun guns, concealed pistols or revolvers and records relating to license holders shall be exempt from the provisions of the Mississippi Public Records Act of 1983, and shall be released only upon order of a court having proper jurisdiction over a petition for release of the record or records.

(9) Within thirty (30) days after the changing of a permanent address, or within thirty (30) days after having a license lost or destroyed, the licensee shall notify the Department of Public Safety in writing of such change or loss. Failure to notify the Department of Public Safety pursuant to the provisions of this subsection shall constitute a noncriminal violation with a penalty of Twenty-five Dollars ($25.00) and shall be enforceable by a summons.

(10) In the event that a stun gun, concealed pistol or revolver license is lost or destroyed, the person to whom the license was issued shall comply with the provisions of subsection (9) of this section and may obtain a duplicate, or substitute thereof, upon payment of Fifteen Dollars ($15.00) to the Department of Public Safety, and furnishing a notarized statement to the department that such license has been lost or destroyed.

(11) A license issued under this section shall be revoked if the licensee becomes ineligible under the criteria set forth in subsection (2) of this section.

(12) (a) Except as provided in subsection (25) of this section, no less than ninety (90) days prior to the expiration date of the license, the Department of Public Safety shall mail to each licensee a written notice of the expiration and a renewal form prescribed by the department. The licensee must renew his license on or before the expiration date by filing with the department the renewal form, a notarized affidavit stating that the licensee remains qualified pursuant to the criteria specified in subsections (2) and (3) of this section, and a full set of fingerprints administered by the Department of Public Safety or the sheriff of the county of residence of the licensee. The first renewal may be processed by mail and the subsequent renewal must be made in person. Thereafter every other renewal may be processed by mail to assure that the applicant must appear in person every ten (10) years for the purpose of obtaining a new photograph.

(i) Except as provided in this subsection, a renewal fee of Forty Dollars ($40.00) shall also be submitted along with costs for processing the fingerprints;

(ii) Honorably retired law enforcement officers, disabled veterans and active duty members of the Armed Forces of the United States shall be exempt from the renewal fee; and

(iii) The renewal fee for a Mississippi resident aged sixty-five (65) years of age or older shall be Twenty Dollars ($20.00).

(b) The Department of Public Safety shall forward the full set of fingerprints of the applicant to the appropriate agencies for state and federal processing. The license shall be renewed upon receipt of the completed renewal application and appropriate payment of fees.

(c) A licensee who fails to file a renewal application on or before its expiration date must renew his license by paying a late fee of Fifteen Dollars ($15.00). No license shall be renewed six (6) months or more after its expiration date, and such license shall be deemed to be permanently expired. A person whose license has been permanently expired may reapply for licensure; however, an application for licensure and fees pursuant to subsection (5) of this section must be submitted, and a background investigation shall be conducted pursuant to the provisions of this section.

(13) No license issued pursuant to this section shall authorize any person to carry a stun gun, concealed pistol or revolver into any place of nuisance as defined in Section 95-3-1, Mississippi Code of 1972; any police, sheriff or highway patrol station; any detention facility, prison or jail; any courthouse; any courtroom, except that nothing in this section shall preclude a judge from carrying a concealed weapon or determining who will

carry a concealed weapon in his courtroom; any polling place; any meeting place of the governing body of any governmental entity; any meeting of the Legislature or a committee thereof; any school, college or professional athletic event not related to firearms; any portion of an establishment, licensed to dispense alcoholic beverages for consumption on the premises, that is primarily devoted to dispensing alcoholic beverages; any portion of an establishment in which beer, light spirit product or light wine is consumed on the premises, that is primarily devoted to such purpose; any elementary or secondary school facility; any junior college, community college, college or university facility unless for the purpose of participating in any authorized firearms-related activity; inside the passenger terminal of any airport, except that no person shall be prohibited from carrying any legal firearm into the terminal if the firearm is encased for shipment, for purposes of checking such firearm as baggage to be lawfully transported on any aircraft; any church or other place of worship, except as provided in Section 45-9-171; or any place where the carrying of firearms is prohibited by federal law. In addition to the places enumerated in this subsection, the carrying of a stun gun, concealed pistol or revolver may be disallowed in any place in the discretion of the person or entity exercising control over the physical location of such place by the placing of a written notice clearly readable at a distance of not less than ten (10) feet that the "carrying of a pistol or revolver is

prohibited." No license issued pursuant to this section shall authorize the participants in a parade or demonstration for which a permit is required to carry a stun gun, concealed pistol or revolver.

(14) A law enforcement officer as defined in Section 45-6-3, chiefs of police, sheriffs and persons licensed as professional bondsmen pursuant to Chapter 39, Title 83, Mississippi Code of 1972, shall be exempt from the licensing requirements of this section. The licensing requirements of this section do not apply to the carrying by any person of a stun gun, pistol or revolver, knife, or other deadly weapon that is not concealed as defined in Section 97-37-1.

(15) Any person who knowingly submits a false answer to any question on an application for a license issued pursuant to this section, or who knowingly submits a false document when applying for a license issued pursuant to this section, shall, upon conviction, be guilty of a misdemeanor and shall be punished as provided in Section 99-19-31, Mississippi Code of 1972.

(16) All fees collected by the Department of Public Safety pursuant to this section shall be deposited into a special fund hereby created in the State Treasury and shall be used for implementation and administration of this section. After the close of each fiscal year, the balance in this fund shall be certified to the Legislature and then may be used by the Department of Public Safety as directed by the Legislature.

(17) All funds received by a sheriff or police chief pursuant to the provisions of this section shall be deposited into the general fund of the county or municipality, as appropriate, and shall be budgeted to the sheriff's office or police department as appropriate.

(18) Nothing in this section shall be construed to require or allow the registration, documentation or providing of serial numbers with regard to any stun gun or firearm.

(19) Any person holding a valid unrevoked and unexpired license to carry stun guns, concealed pistols or revolvers issued in another state shall have such license recognized by this state to carry stun guns, concealed pistols or revolvers. The Department of Public Safety is authorized to enter into a reciprocal agreement with another state if that state requires a written agreement in order to recognize licenses to carry stun guns, concealed pistols or revolvers issued by this state.

(20) The provisions of this section shall be under the supervision of the Commissioner of Public Safety. The commissioner is authorized to promulgate reasonable rules and regulations to carry out the provisions of this section.

(21) For the purposes of this section, the term "stun gun" means a portable device or weapon from which an electric current, impulse, wave or beam may be directed, which current, impulse, wave or beam is designed to incapacitate temporarily, injure,

momentarily stun, knock out, cause mental disorientation or paralyze.

(22) (a) From and after January 1, 2016, the Commissioner of Public Safety shall promulgate rules and regulations which provide that licenses authorized by this section for honorably retired law enforcement officers and honorably retired correctional officers from the Mississippi Department of Corrections shall (i) include the words "retired law enforcement officer" on the front of the license, and (ii) unless the licensee chooses to have this license combined with a driver's license or identification card under subsection (25) of this section, that the license itself have a red background to distinguish it from other licenses issued under this section.

(b) An honorably retired law enforcement officer and honorably retired correctional officer shall provide the following information to receive the license described in this section: (i) a letter, with the official letterhead of the agency or department from which such officer is retiring, which explains that such officer is honorably retired, and (ii) a letter with the official letterhead of the agency or department, which explains that such officer has completed a certified law enforcement training academy.

(23) A disabled veteran who seeks to qualify for an exemption under this section shall be required to provide a veterans health services identification card issued by the United

States Department of Veterans Affairs indicating a service-connected disability, which shall be sufficient proof of such service-connected disability.

(24) A license under this section is not required for a loaded or unloaded pistol or revolver to be carried upon the person in a sheath, belt holster or shoulder holster or in a purse, handbag, satchel, other similar bag or briefcase or fully enclosed case if the person is not engaged in criminal activity other than a misdemeanor traffic offense, is not otherwise prohibited from possessing a pistol or revolver under state or federal law, and is not in a location prohibited under subsection (13) of this section.

(25) An applicant for a license under this section shall have the option of, instead of being issued a separate card for the license, having the license appear as a notation on the individual's driver's license or identification card. If the applicant chooses this option, the license issued under this section shall have the same expiration date as the driver's license or identification card, and renewal shall take place at the same time and place as renewal of the driver's license or identification card. The Commissioner of Public Safety shall have the authority to promulgate rules and regulations which may be necessary to ensure the effectiveness of the concurrent application and renewal processes.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2282

Description: Youth detention; raise minimum age for youth commitment to state training school and secure detention.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/12	(S) Referred To Judiciary, Division B
2	01/27	(S) Title Suff Do Pass
3	02/04	(S) Passed {Vote}
4	02/05	(S) Transmitted To House
5	02/24	(H) Referred To Judiciary B
6	03/02	(H) Title Suff Do Pass As Amended
7	03/09	(H) Amendment Tabled
8	03/09	(H) Passed {Vote}
9	03/10	(H) Returned For Enrolling
10	03/11	(S) Enrolled Bill Signed
11	03/11	(H) Enrolled Bill Signed
12	03/18	Law W/out Governor's Signature

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 043-0021-0605

----- Additional Information -----

Senate Committee: Judiciary, Division B
House Committee: Judiciary B

Principal Author: England
Additional Authors: Simmons (12th), Jackson (11th)

Title: AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO RAISE THE MINIMUM AGE AT WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL AND HELD IN SECURE DETENTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Senator(s) England, Simmons (12th), Jackson (11th)

To: Judiciary, Division B

SENATE BILL NO. 2282

AN ACT TO AMEND SECTION 43-21-605, MISSISSIPPI CODE OF 1972, TO RAISE THE MINIMUM AGE AT WHICH A CHILD MAY BE COMMITTED TO THE STATE TRAINING SCHOOL AND HELD IN SECURE DETENTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 43-21-605, Mississippi Code of 1972, is amended as follows:

43-21-605. (1) In delinquency cases, the disposition order may include any of the following alternatives:

(a) Release the child without further action;

(b) Place the child in the custody of the parents, a relative or other persons subject to any conditions and limitations, including restitution, as the youth court may prescribe;

(c) Place the child on probation subject to any reasonable and appropriate conditions and limitations, including restitution, as the youth court may prescribe;

(d) Order terms of treatment calculated to assist the child and the child's parents or guardian which are within the

ability of the parent or guardian to perform and which are not in conflict with a provider's determination of medical necessity;

(e) Order terms of supervision which may include participation in a constructive program of service or education or civil fines not in excess of Five Hundred Dollars ($500.00), or restitution not in excess of actual damages caused by the child to be paid out of his own assets or by performance of services acceptable to the victims and approved by the youth court and reasonably capable of performance within one (1) year;

(f) Suspend the child's driver's license by taking and keeping it in custody of the court for not more than one (1) year;

(g) Give legal custody of the child to any of the following:

(i) The Department of Human Services for appropriate placement; or

(ii) Any public or private organization, preferably community-based, able to assume the education, care and maintenance of the child, which has been found suitable by the court; or

(iii) The Division of Youth Services for placement in the least restrictive environment, except that no child under the age of * * * twelve (12) years shall be committed to the state training school. Only a child who has been adjudicated delinquent for a felony may be committed to the training school. In the event a child is committed to the Oakley Youth Development Center

by the court, the child shall be deemed to be committed to the custody of the Department of Human Services which may place the child in the Oakley Youth Development Center or another appropriate facility.

The training school may retain custody of the child until the child's twentieth birthday but for no longer. When the child is committed to the training school, the child shall remain in the legal custody of the training school until the child has made sufficient progress in treatment and rehabilitation and it is in the best interest of the child to release the child. However, the superintendent of the state training school, in consultation with the treatment team, may parole a child at any time he or she may deem it in the best interest and welfare of such child. Ten (10) business days before the parole, the training school shall notify the committing court of the pending release. This notice may be made in less than ten (10) days if Oakley Youth Development Center needs to manage population limitations. The youth court may then arrange subsequent placement after a reconvened disposition hearing, except that the youth court may not recommit the child to the training school or any other secure facility without an adjudication of a new offense or probation or parole violation. The Department of Human Services shall ensure that staffs create transition planning for youth leaving the facilities. Plans shall include providing the youth and his or her parents or guardian with copies of the youth's training school education and health

records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers. Before assigning the custody of any child to any private institution or agency, the youth court through its designee shall first inspect the physical facilities to determine that they provide a reasonable standard of health and safety for the child. No child shall be placed in the custody of the state training school for a status offense or for contempt of or revocation of a status offense adjudication unless the child is contemporaneously adjudicated for having committed an act of delinquency that is not a status offense. A disposition order rendered under this subparagraph shall meet the following requirements:

1. The disposition is the least restrictive alternative appropriate to the best interest of the child and the community;

2. The disposition allows the child to be in reasonable proximity to the family home community of each child given the dispositional alternatives available and the best interest of the child and the state; and

3. The disposition order provides that the court has considered the medical, educational, vocational, social and psychological guidance, training, social education,

counseling, substance abuse treatment and other rehabilitative services required by that child as determined by the court;

(h) Recommend to the child and the child's parents or guardian that the child attend and participate in the Youth Challenge Program under the Mississippi National Guard, as created in Section 43-27-203, subject to the selection of the child for the program by the National Guard; however, the child must volunteer to participate in the program. The youth court shall not order any child to apply for or attend the program;

(i) Adjudicate the juvenile to the Statewide Juvenile Work Program if the program is established in the court's jurisdiction. The juvenile and his or her parents or guardians must sign a waiver of liability in order to participate in the work program. The judge will coordinate with the youth services counselors as to placing participants in the work program as follows:

(i) The severity of the crime, whether or not the juvenile is a repeat offender or is a felony offender will be taken into consideration by the judge when adjudicating a juvenile to the work program. The juveniles adjudicated to the work program will be supervised by police officers or reserve officers. The term of service will be from twenty-four (24) to one hundred twenty (120) hours of community service. A juvenile will work the hours to which he or she was adjudicated on the weekends during school and weekdays during the summer. Parents are responsible

for a juvenile reporting for work. Noncompliance with an order to perform community service will result in a heavier adjudication. A juvenile may be adjudicated to the community service program only two (2) times;

(ii) The judge shall assess an additional fine on the juvenile which will be used to pay the costs of implementation of the program and to pay for supervision by police officers and reserve officers. The amount of the fine will be based on the number of hours to which the juvenile has been adjudicated;

(j) Order the child to participate in a youth court work program as provided in Section 43-21-627;

(k) Order terms of house arrest under the intensive supervision program as created in Sections 47-5-1001 through 47-5-1015. The Department of Human Services shall take bids for the placement of juveniles in the intensive supervision program. The Department of Human Services shall promulgate rules regarding the supervision of juveniles placed in the intensive supervision program. For each county there shall be seventy-five (75) slots created in the intensive supervision program for juveniles. Any youth ordered into the intensive home-based supervision program shall receive comprehensive strength-based needs assessments and individualized treatment plans. Based on the assessment, an individualized treatment plan shall be developed that defines the supervision and programming that is needed by a youth. The treatment plan shall be developed by a multidisciplinary team that

includes the family of the youth whenever possible. The juvenile shall pay Ten Dollars ($10.00) to offset the cost of administering the alcohol and drug test. The juvenile must attend school, alternative school or be in the process of working toward a High School Equivalency Diploma certificate;

(l) (i) Order the child into a juvenile detention center operated by the county or into a juvenile detention center operated by any county with which the county in which the court is located has entered into a contract for the purpose of housing delinquents, except that a child under the age of twelve (12) years cannot be held in secure detention as a disposition. The time period for detention cannot exceed ninety (90) days, and any detention exceeding forty-five (45) days shall be administratively reviewed by the youth court no later than forty-five (45) days after the entry of the order. At that time the youth court counselor shall review the status of the youth in detention and shall report any concerns to the court. The youth court judge may order that the number of days specified in the detention order be served either throughout the week or on weekends only. No first-time nonviolent youth offender shall be committed to a detention center for a period in excess of ninety (90) days until all other options provided for in this section have been considered and the court makes a specific finding of fact by a preponderance of the evidence by assessing what is in the best rehabilitative interest of the child and the public safety of

communities and that there is no reasonable alternative to a nonsecure setting and therefore commitment to a detention center is appropriate.

(ii) If a child is committed to a detention center for ninety (90) days, the disposition order shall meet the following requirements:

1. The disposition order is the least restrictive alternative appropriate to the best interest of the child and the community;

2. The disposition order allows the child to be in reasonable proximity to the family home community of each child given the dispositional alternatives available and the best interest of the child and the state; and

3. The disposition order provides that the court has considered the medical, educational, vocational, social and psychological guidance, training, social education, counseling, substance abuse treatment and other rehabilitative services required by that child as determined by the court;

(m) The judge may consider house arrest in an intensive supervision program as a reasonable prospect of rehabilitation within the juvenile justice system. The Department of Human Services shall promulgate rules regarding the supervision of juveniles placed in the intensive supervision program;

(n) Referral to A-team provided system of care services; or

(o) Place the child on electronic monitoring subject to any conditions and limitations as the youth court may prescribe.

(2) If a disposition order requires that a child miss school due to other placement, the youth court shall notify a child's school while maintaining the confidentiality of the youth court process. If a disposition order requires placement of a child in a juvenile detention facility, the facility shall comply with the educational services and notification requirements of Section 43-21-321.

(3) In addition to any of the disposition alternatives authorized under subsection (1) of this section, the disposition order in any case in which the child is adjudicated delinquent for an offense under Section 63-11-30 shall include an order denying the driver's license and driving privileges of the child as required under Section 63-11-30(9).

(4) If the youth court places a child in a state-supported training school, the court may order the parents or guardians of the child and other persons living in the child's household to receive counseling and parenting classes for rehabilitative purposes while the child is in the legal custody of the training school. A youth court entering an order under this subsection (4) shall utilize appropriate services offered either at no cost or for a fee calculated on a sliding scale according to income unless the person ordered to participate elects to receive other

counseling and classes acceptable to the court at the person's sole expense.

(5) Fines levied under this chapter shall be paid into the general fund of the county but, in those counties wherein the youth court is a branch of the municipal government, it shall be paid into the municipal treasury.

(6) Any institution or agency to which a child has been committed shall give to the youth court any information concerning the child as the youth court may at any time require.

(7) The youth court shall not place a child in another school district who has been expelled from a school district for the commission of a violent act. For the purpose of this subsection, "violent act" means any action which results in death or physical harm to another or an attempt to cause death or physical harm to another.

(8) The youth court may require drug testing as part of a disposition order. If a child tests positive, the court may require treatment, counseling and random testing, as it deems appropriate. The costs of such tests shall be paid by the parent, guardian or custodian of the child unless the court specifically finds that the parent, guardian or custodian is unable to pay.

(9) The Mississippi Department of Human Services, Division of Youth Services, shall operate and maintain services for youth adjudicated delinquent at the Oakley Youth Development Center. The program shall be designed for children committed to the

training schools by the youth courts. The purpose of the program is to promote good citizenship, self-reliance, leadership and respect for constituted authority, teamwork, cognitive abilities and appreciation of our national heritage. The program must use evidenced-based practices and gender-specific programming and must develop an individualized and specific treatment plan for each youth. The Division of Youth Services shall issue credit towards academic promotions and high school completion. The Division of Youth Services may award credits to each student who meets the requirements for a general education development certification. The Division of Youth Services must also provide to each special education eligible youth the services required by that youth's individualized education plan.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2293

Description: Claims by veterans under consumer protection law; Mississippi Veterans Affairs Board offers service free of charge.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/12	(S)	Referred To Veterans and Military Affairs; Finance
2	01/26	(S)	DR - TSDPCS: VM To FI
3	02/01	(S)	Title Suff Do Pass Comm Sub
4	02/05	(S)	Committee Substitute Adopted
5	02/05	(S)	Passed {Vote}
6	02/08	(S)	Transmitted To House
7	02/24	(H)	Referred To Military Affairs; Ways and Means
8	03/02	(H)	DR - TSDP: MA To WM
9	03/02	(H)	DR - TSDP: WM To MA
10	03/02	(H)	Title Suff Do Pass
11	03/09	(H)	Passed {Vote}
12	03/10	(H)	Returned For Enrolling
13	03/11	(S)	Enrolled Bill Signed
14	03/11	(H)	Enrolled Bill Signed
15	03/17		Approved by Governor

Code Section: A 075-0024-0015

----- Additional Information -----

Senate Committee: Veterans and Military Affairs, Finance
House Committee: Military Affairs, Ways and Means

Principal Author: Seymour
Additional Authors: Jackson (11th)

Title: AN ACT TO AMEND SECTION 75-24-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY CLAIM OR ACTION UNDER THE PROVISIONS OF THE CONSUMER PROTECTION LAWS FILED ON BEHALF OF A VETERAN FOR A

FEE MUST INCLUDE CERTAIN ACKNOWLEDGMENTS THAT THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD OFFERS THE SAME SERVICE FREE OF CHARGE; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2293

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: False

To: Veterans and Military Affairs; Finance

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2293

AN ACT TO AMEND SECTION 75-24-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY CLAIM OR ACTION UNDER THE PROVISIONS OF THE CONSUMER PROTECTION LAWS FILED ON BEHALF OF A VETERAN FOR A FEE MUST INCLUDE CERTAIN ACKNOWLEDGMENTS THAT THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD OFFERS THE SAME SERVICE FREE OF CHARGE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-24-15, Mississippi Code of 1972, is amended as follows:

75-24-15. (1) In addition to all other statutory and common law rights, remedies and defenses, any person who purchases or leases goods or services primarily for personal, family or household purposes and thereby suffers any ascertainable loss of money or property, real or personal, as a result of the use or employment by the seller, lessor, manufacturer or producer of a method, act or practice prohibited by Section 75-24-5 may bring an action at law in the court having jurisdiction in the county in which the seller, lessor, manufacturer or producer resides, or has his principal place of business or, where the act or practice prohibited by Section 75-24-5 allegedly occurred, to recover such

loss of money or damages for the loss of such property, or may assert, by way of setoff or counterclaim, the fact of such loss in a proceeding against him for the recovery of the purchase price or rental, or any portion thereof, of the goods or services.

(2) In any private action brought under this chapter, the plaintiff must have first made a reasonable attempt to resolve any claim through an informal dispute settlement program approved by the Attorney General.

(3) In any action or counterclaim under this section of this chapter, a prevailing defendant may recover in addition to any other relief that may be provided in this section costs and a reasonable attorney's fee, if in the opinion of the court, said action or counterclaim was frivolous or filed for the purpose of harassment or delay.

(4) Nothing in this chapter shall be construed to permit any class action or suit, but every private action must be maintained in the name of and for the sole use and benefit of the individual person.

(5) In any claim under this section filed on behalf of a veteran that charges the veteran a fee for the service shall include a form signed by the veteran acknowledging that **"THE STATE OF MISSISSIPPI THROUGH THE MISSISSIPPI STATE VETERANS AFFAIRS BOARD OFFERS THE SAME OR SIMILAR SERVICE FREE OF CHARGE."** The veteran must sign this form stating that he/she has read and understands it. The statement signed by the veteran shall be of a

BOLD font at least one hundred twenty percent (120%) larger than the font of the claim document filed on behalf of the veteran.

SECTION 2. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2324

Description: Bad Faith Assertions of Patent Infringement; extend repealer on.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/14	(S) Referred To Judiciary, Division A
2	01/28	(S) Title Suff Do Pass
3	02/03	(S) Passed {Vote}
4	02/04	(S) Transmitted To House
5	02/24	(H) Referred To Judiciary A
6	03/01	(H) Title Suff Do Pass
7	03/09	(H) Passed {Vote}
8	03/10	(H) Returned For Enrolling
9	03/11	(S) Enrolled Bill Signed
10	03/11	(H) Enrolled Bill Signed
11	03/17	Approved by Governor

Code Section: R 075-0024-0351, RA 075-0024-0359, R 075-0024-0353, R 075-0024-0355, R 075-0024-0357

----- Additional Information -----

Senate Committee: Judiciary, Division A
House Committee: Judiciary A

Principal Author: Wiggins

Title: AN ACT TO REENACT SECTIONS 75-24-351 THROUGH 75-24-357, MISSISSIPPI CODE OF 1972, WHICH PROHIBIT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT AND ESTABLISH REMEDIES FOR PREVAILING PLAINTIFFS IN CIVIL ACTIONS INSTITUTED UNDER THE PROVISIONS; TO AMEND REENACTED SECTION 75-24-359, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2324

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Judiciary, Division A

SENATE BILL NO. 2324

AN ACT TO REENACT SECTIONS 75-24-351 THROUGH 75-24-357, MISSISSIPPI CODE OF 1972, WHICH PROHIBIT BAD FAITH ASSERTIONS OF PATENT INFRINGEMENT AND ESTABLISH REMEDIES FOR PREVAILING PLAINTIFFS IN CIVIL ACTIONS INSTITUTED UNDER THE PROVISIONS; TO AMEND REENACTED SECTION 75-24-359, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE REENACTED PROVISIONS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 75-24-351, Mississippi Code of 1972, is reenacted as follows:

75-24-351. The following words shall have the following meaning, unless the content clearly states otherwise:

(a) "Affiliated person" means a person under common ownership or control of an intended recipient.

(b) "Intended recipient" means a person who purchases, rents, leases or otherwise obtains a product or service in the commercial market that is not for resale in the ordinary business and that is, or later becomes, the subject of a patent infringement allegation.

(c) "Person" means any natural person, partnership, corporation, company, trust, business entity or association, and any agent, employee, partner, officer, director, member, associate, or trustee thereof.

SECTION 2. Section 75-24-353, Mississippi Code of 1972, is reenacted as follows:

75-24-353. (1) It is a violation of Sections 75-24-351 through 75-24-357 for a person, in connection with the assertion of a United States patent, to send, or cause any person to send, any written or electronic communication that states that the intended recipient or any affiliated person is infringing or has infringed a patent and bears liability or owes compensation to another person if:

(a) The communication threatens litigation if compensation is not paid or the infringement issue is not otherwise resolved and there is a consistent pattern of such threats having been issued and no litigation having been filed;

(b) The communication falsely states that litigation has been filed against the intended recipient or any affiliated person; or

(c) The assertions contained in the communication lack a reasonable basis in fact or law because:

(i) The person asserting the patent is not a person, or does not represent a person, with the current right to

license the patent to, or to enforce the patent against, the intended recipient or any affiliated person;

(ii) The communication seeks compensation for a patent that has been held to be invalid or unenforceable in a final, unappealable or unappealed judicial or administrative decision;

(iii) The communication seeks compensation on account of activities undertaken after the patent has expired; or

(iv) The content of the communication fails to include the information necessary to inform an intended recipient or any affiliated person about the patent assertion by failing to include any one of the following:

1. The identity of the person asserting a right to license the patent to or enforce the patent against the intended recipient or any affiliated person;

2. The patent number issued by the United States Patent and Trademark Office alleged to have been infringed; or

3. The factual allegations concerning the specific areas in which the intended recipient or affiliated person's products, services, or technology infringed the patent or are covered by the claims in the patent.

(2) It is not a violation of Sections 75-24-351 through 75-24-357 for any person who owns or has the right to license or enforce a patent to:

(a) Advise others of that ownership or right of license or enforcement;

(b) Communicate to others that a patent is available for license or sale;

(c) Notify another of the infringement of the patent; or

(d) Seek compensation on account of past or present infringement, or for a license to the patent, if the person is not acting in bad faith.

(3) The provisions of Sections 75-24-351 through 75-24-357 shall not apply to any written or electronic communication sent by:

(a) Any owner of a patent who is using the patent in connection with substantial research, development, production, manufacturing, processing or delivery of products or materials;

(b) A state institution of higher learning;

(c) An agency of the State of Mississippi;

(d) A technology transfer organization that is owned by or has a written affiliation agreement with a state institution of higher learning or an agency of the State of Mississippi, or is formed pursuant to Section 37-147-1 et seq.;

(e) Any person that has licensed patent rights from a state institution of higher learning, an agency of the State of Mississippi, or a technology transfer organization that is owned by or has a written affiliation agreement, a state institution of

higher learning or an agency of the State of Mississippi, or is formed pursuant to Section 37-147-1 et seq., provided that the ownership of the patent rights remains with the state institution of higher learning, the agency of the State of Mississippi, or the technology transfer organization that is owned by or has a written affiliation agreement with a state institution of higher learning or an agency of the State of Mississippi, or is formed pursuant to Section 37-147-1 et seq.; or

(f) Any person seeking a claim for relief arising under 35 USC Section 271(e)(2) or 42 USC Section 262s.

SECTION 3. Section 75-24-355, Mississippi Code of 1972, is reenacted as follows:

75-24-355. (1) The Attorney General shall have the authority under Sections 75-24-351 through 75-24-357 to conduct civil investigations and bring civil actions.

(2) In an action brought by the Attorney General under Sections 75-24-351 through 75-24-357, the court may award or impose any relief available under state law.

(3) In addition to the relief provided for in Section 75-24-357, upon a motion by the Attorney General and a finding by the court that there is a reasonable likelihood that a person violated Section 75-24-353, the court may require the person to post a bond in an amount equal to a good faith estimate of the costs to litigate a claim and amounts reasonably likely to be

recovered if an action were to be brought under Section 75-24-355. A hearing shall be held if either party requests a hearing.

SECTION 4. Section 75-24-357, Mississippi Code of 1972, is reenacted as follows:

75-24-357. An intended recipient alleging a violation of Sections 75-24-351 through 75-24-357 may bring an action in any circuit court in this state. A court shall award litigation costs and fees, including reasonable attorney's fees, to a plaintiff who prevails in an action brought pursuant to this section. In addition, the court may award the following remedies to a plaintiff who prevails in an action brought pursuant to Sections 75-24-351 through 75-24-357:

(a) Actual damages; and

(b) Punitive damages in the amount equal to three (3) times the actual damages.

SECTION 5. Section 75-24-359, Mississippi Code of 1972, is reenacted and amended as follows:

75-24-359. Sections 75-24-351 through 75-24-359, Mississippi Code of 1972, shall stand repealed on July 1, * * * 2025.

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2521

Description: Mississippi Advantage Jobs Act; revise definition of "new direct job" for incentive applicants from and after July 1, 2010.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: Passage

History of Actions:

1	01/18	(S) Referred To Economic and Workforce Development; Finance
2	01/27	(S) DR - TSDP: EC To FI
3	01/28	(S) Title Suff Do Pass
4	02/03	(S) Passed {Vote}
5	02/04	(S) Motion to Reconsider Entered
6	02/10	(S) Motion to Reconsider Tabled
7	02/10	(S) Transmitted To House
8	02/24	(H) Referred To Workforce Development
9	03/02	(H) Title Suff Do Pass As Amended
10	03/09	(H) Amendment Tabled
11	03/09	(H) Passed {Vote}
12	03/10	(H) Returned For Enrolling
13	03/11	(S) Enrolled Bill Signed
14	03/11	(H) Enrolled Bill Signed
15	03/17	Approved by Governor

Amendments:

[H] Committee Amendment No 1Tabled

Code Section: A 057-0062-0005

----- Additional Information -----

Senate Committee: Economic and Workforce Development, Finance
House Committee: Workforce Development

Principal Author: Parker
Additional Authors: McLendon, Blackwell

Title: AN ACT TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, AS APPLYING TO INCENTIVE APPLICANTS FROM AND AFTER JULY 1, 2010, TO REVISE THE DEFINITION OF "NEW DIRECT JOB" SOLELY WITH RESPECT TO A FARM EQUIPMENT MANUFACTURER THAT LOCATES ITS NORTH AMERICAN HEADQUARTERS TO MISSISSIPPI BETWEEN JANUARY 1, 2018, AND DECEMBER 31, 2020, TO ALLOW A POSITION TO QUALIFY IF CREATED BEFORE A SPECIFIC DATE DETERMINED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, THAT FALLS ON OR AFTER THE DATE THAT THE MDA FIRST ISSUES TO SUCH FARM EQUIPMENT MANUFACTURER ONE OR MORE WRITTEN COMMITMENTS OR OFFERS OF ANY INCENTIVES IN CONNECTION WITH THE NEW HEADQUARTERS PROJECT AND RELATED FACILITIES EXPECTED TO RESULT IN THE CREATION OF SUCH NEW JOB; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: False To: Economic and Workforce Development; Finance

SENATE BILL NO. 2521

AN ACT TO AMEND SECTION 57-62-5, MISSISSIPPI CODE OF 1972, AS APPLYING TO INCENTIVE APPLICANTS FROM AND AFTER JULY 1, 2010, TO REVISE THE DEFINITION OF "NEW DIRECT JOB" SOLELY WITH RESPECT TO A FARM EQUIPMENT MANUFACTURER THAT LOCATES ITS NORTH AMERICAN HEADQUARTERS TO MISSISSIPPI BETWEEN JANUARY 1, 2018, AND DECEMBER 31, 2020, TO ALLOW A POSITION TO QUALIFY IF CREATED BEFORE A SPECIFIC DATE DETERMINED BY THE MISSISSIPPI DEVELOPMENT AUTHORITY, THAT FALLS ON OR AFTER THE DATE THAT THE MDA FIRST ISSUES TO SUCH FARM EQUIPMENT MANUFACTURER ONE OR MORE WRITTEN COMMITMENTS OR OFFERS OF ANY INCENTIVES IN CONNECTION WITH THE NEW HEADQUARTERS PROJECT AND RELATED FACILITIES EXPECTED TO RESULT IN THE CREATION OF SUCH NEW JOB; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 57-62-5, Mississippi Code of 1972, is amended as follows:

[For businesses or industries that received or applied for incentive payments prior to July 1, 2005, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole

proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser. An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business;

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased

to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment;

(c) "Full-time job" means a job of at least thirty-five (35) hours per week;

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry;

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry;

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs;

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits;

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry; and

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that received or applied for incentive payments from and after July 1, 2005, but prior to July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than one hundred (100) new

jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(ii) Is a manufacturing or distribution enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, invests not less than Twenty Million Dollars ($20,000,000.00) in land, buildings and equipment, and creates not less than fifty (50) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than twenty (20) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21);

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred twenty-five percent (125%) of the most recently published state average annual wage or the most

recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs if the enterprise is located in a Tier One or Tier Two area (as such areas are designated in accordance with Section 57-73-21), or which creates not less than ten (10) new jobs if the enterprise is located in a Tier Three area (as such areas are designated in accordance with Section 57-73-21). An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business; or

(iv) Is a research and development or a technology intensive enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred fifty percent (150%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment

Security, whichever is the lesser, and creates not less than ten (10) new direct jobs.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter. "New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Estimated direct state benefits" means the tax revenues projected by the MDA to accrue to the state as a result of the qualified business or industry.

(e) "Estimated direct state costs" means the costs projected by the MDA to accrue to the state as a result of the qualified business or industry.

(f) "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs.

(g) "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll, provided that:

(i) Except as otherwise provided in this paragraph (g), the net benefit rate may be variable and shall not exceed four percent (4%) of the gross payroll; and shall be set in the sole discretion of the MDA;

(ii) In no event shall incentive payments, cumulatively, exceed the estimated net direct state benefits.

(h) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(i) "MDA" means the Mississippi Development Authority.

[For businesses or industries that apply for incentive payments from and after July 1, 2010, this section shall read as follows:]

57-62-5. As used in this chapter, the following words and phrases shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Qualified business or industry" means any corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which:

(i) Is a data/information processing enterprise meeting minimum criteria established by the MDA that provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred percent (100%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than two hundred (200) new direct jobs;

(ii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently

published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser, and creates not less than twenty-five (25) new direct jobs; or

(iii) Is a corporation, limited liability company, partnership, sole proprietorship, business trust or other legal entity and subunits or affiliates thereof, pursuant to rules and regulations of the MDA, which is a manufacturer that:

1. Provides an average annual salary, excluding benefits which are not subject to Mississippi income taxes, of at least one hundred ten percent (110%) of the most recently published state average annual wage or the most recently published average annual wage of the county in which the qualified business or industry is located as determined by the Mississippi Department of Employment Security, whichever is the lesser;

2. Has a minimum of five thousand (5,000) existing employees as of the last day of the previous calendar year; and

3. MDA determines will create not less than three thousand (3,000) new direct jobs within forty-eight (48) months of the date the MDA determines that the applicant is qualified to receive incentive payments.

An establishment shall not be considered to be a qualified business or industry unless it offers, or will offer within one hundred eighty (180) days of the date it receives the first

incentive payment pursuant to the provisions of this chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is approved by the MDA. Qualified business or industry does not include retail business or gaming business.

(b) "New direct job" means full-time employment in this state in a qualified business or industry that has qualified to receive an incentive payment pursuant to this chapter, which employment did not exist in this state:

(i) Before the date of approval by the MDA of the application of the qualified business or industry pursuant to the provisions of this chapter * * *; or

(ii) Solely with respect to any farm equipment manufacturer that locates its North American headquarters to Mississippi between January 1, 2018, and December 31, 2020, before a specific date determined by the MDA that falls on or after the date that the MDA first issues to such farm equipment manufacturer one or more written commitments or offers of any incentives in connection with the new headquarters project and related facilities expected to result in the creation of such new job.

"New direct job" shall include full-time employment in this state of employees who are employed by an entity other than the establishment that has qualified to receive an incentive payment and who are leased to the qualified business or industry, if such

employment did not exist in this state before the date of approval by the MDA of the application of the establishment.

(c) "Full-time job" or "full-time employment" means a job of at least thirty-five (35) hours per week.

(d) "Gross payroll" means wages for new direct jobs of the qualified business or industry.

(e) "MDA" means the Mississippi Development Authority.

SECTION 2. This act shall take effect and be in force from and after its passage.

Mississippi Legislature
2021 Regular Session

Senate Bill 2536

Description: Athletics; provide that schools designate teams by biological sex.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S)	Referred To Universities and Colleges; Accountability, Efficiency, Transparency
2	01/28	(S)	DR - TSDPCS: UC To AC
3	02/02	(S)	Title Suff Do Pass Comm Sub
4	02/11	(S)	Committee Substitute Adopted
5	02/11	(S)	Amended
6	02/11	(S)	Passed As Amended {Vote}
7	02/22	(S)	Transmitted To House
8	02/26	(H)	Referred To Accountability, Efficiency, Transparency
9	03/01	(H)	Title Suff Do Pass
10	03/03	(H)	Passed {Vote}
11	03/04	(H)	Returned For Enrolling
12	03/05	(S)	Enrolled Bill Signed
13	03/05	(H)	Enrolled Bill Signed
14	03/11		Approved by Governor

Amendments:

[S] Amendment No 1 (Cmte Sub)***Adopted*** Voice Vote

----- Additional Information -----

Senate Committee: Universities and Colleges, Accountability, Efficiency, Transparency
House Committee: Accountability, Efficiency, Transparency

Principal Author: Hill
Additional Authors: Barrett, Branning, Carter, Caughman, Chism, DeLano, England, Fillingane, McCaughn, McDaniel, McLendon, McMahan, Parks, Seymour, Sojourner, Sparks, Suber, Tate, Thompson, Whaley, Wiggins

Title: AN ACT TO REQUIRE ANY PUBLIC SCHOOL, PUBLIC INSTITUTION OF HIGHER LEARNING OR INSTITUTION OF HIGHER LEARNING THAT

IS A MEMBER OF THE NCAA, NAIA, MHSAA OR NJCCA TO DESIGNATE ITS ATHLETIC TEAMS OR SPORTS ACCORDING TO BIOLOGICAL SEX; TO PROVIDE PROTECTION FOR ANY SCHOOL OR INSTITUTION OF HIGHER EDUCATION THAT MAINTAINS SEPARATE ATHLETIC TEAMS OR SPORTS FOR STUDENTS OF THE FEMALE SEX; TO CREATE PRIVATE CAUSES OF ACTION; AND FOR RELATED PURPOSES.

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2021

By: Senator(s) Hill, Barrett, Branning, Carter, Caughman, Chism, DeLano, England, Fillingane, McCaughn, McDaniel, McLendon, McMahan, Parks, Seymour, Sojourner, Sparks, Suber, Tate, Thompson, Whaley, Wiggins

To: Universities and Colleges; Accountability, Efficiency, Transparency

SENATE BILL NO. 2536
(As Passed the Senate)

AN ACT TO REQUIRE ANY PUBLIC SCHOOL, PUBLIC INSTITUTION OF HIGHER LEARNING OR INSTITUTION OF HIGHER LEARNING THAT IS A MEMBER OF THE NCAA, NAIA, MHSAA OR NJCCA TO DESIGNATE ITS ATHLETIC TEAMS OR SPORTS ACCORDING TO BIOLOGICAL SEX; TO PROVIDE PROTECTION FOR ANY SCHOOL OR INSTITUTION OF HIGHER EDUCATION THAT MAINTAINS SEPARATE ATHLETIC TEAMS OR SPORTS FOR STUDENTS OF THE FEMALE SEX; TO CREATE PRIVATE CAUSES OF ACTION; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Designation of athletic teams. (1) Interscholastic or intramural athletic teams or sports that are sponsored by a public primary or secondary school or any school that is a member of the Mississippi High School Activities Association or public institution of higher education or any higher education institution that is a member of the NCAA, NAIA or NJCCA shall be expressly designated as one of the following based on biological sex:

(a) "Males," "men" or "boys";

(b) "Females," "women" or "girls"; or

(c) "Coed" or "mixed."

(2) Athletic teams or sports designated for "females," "women" or "girls" shall not be open to students of the male sex.

SECTION 2. Protection for educational institutions. A government entity, any licensing or accrediting organization, or any athletic association or organization shall not entertain a complaint, open an investigation, or take any other adverse action against a primary or secondary school or institution of higher education for maintaining separate interscholastic or intramural athletic teams or sports for students of the female sex.

SECTION 3. Cause of action. Any student who is deprived of an athletic opportunity or suffers any direct or indirect harm as a result of a violation of this act shall have a private cause of action.

SECTION 4. Severability. Any provision of this act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event such provision shall be deemed severable herefrom and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other, dissimilar circumstances.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.

Mississippi Legislature
2021 Regular Session

Senate Bill 2809

Description: Public records; extend repealer on provision requiring public access to records.

Fiscal Note: No fiscal note conducted

Background Information:

Disposition: Law
Deadline: General Bill/Constitutional Amendment
Revenue: No
Vote type required: Majority
Effective date: July 1, 2021

History of Actions:

1	01/18	(S) Referred To Accountability, Efficiency, Transparency
2	02/02	(S) Title Suff Do Pass Comm Sub
3	02/08	(S) Committee Substitute Adopted
4	02/08	(S) Passed {Vote}
5	02/09	(S) Transmitted To House
6	02/24	(H) Referred To Accountability, Efficiency, Transparency
7	03/01	(H) Title Suff Do Pass
8	03/03	(H) Passed {Vote}
9	03/04	(H) Returned For Enrolling
10	03/05	(S) Enrolled Bill Signed
11	03/05	(H) Enrolled Bill Signed
12	03/11	Approved by Governor

Code Section: RA 025-0061-0005

----- Additional Information -----

Senate Committee: Accountability, Efficiency, Transparency
House Committee: Accountability, Efficiency, Transparency

Principal Author: Blount

Title: AN ACT TO REENACT AND AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE PROVISION REQUIRING PUBLIC ACCESS TO RECORDS AND A WRITTEN EXPLANATION WHEN PUBLIC RECORDS CANNOT BE PRODUCED WITHIN A SPECIFIED TIME; AND FOR RELATED PURPOSES.

2021 GENERAL LAWS OF MISSISSIPPI SB 2809

MISSISSIPPI LEGISLATURE — REGULAR SESSION 2021

By: Senator(s) Blount

To: Accountability, Efficiency, Transparency

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2809

AN ACT TO REENACT AND AMEND SECTION 25-61-5, MISSISSIPPI CODE OF 1972, TO EXTEND THE REPEALER ON THE PROVISION REQUIRING PUBLIC ACCESS TO RECORDS AND A WRITTEN EXPLANATION WHEN PUBLIC RECORDS CANNOT BE PRODUCED WITHIN A SPECIFIED TIME; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. Section 25-61-5, Mississippi Code of 1972, is reenacted and amended as follows:

25-61-5. (1) (a) Except as otherwise provided by Sections 25-61-9, 25-61-11 and 25-61-11.2, all public records are hereby declared to be public property, and any person shall have the right to inspect, copy or mechanically reproduce or obtain a reproduction of any public record of a public body in accordance with reasonable written procedures adopted by the public body concerning the cost, time, place and method of access, and public notice of the procedures shall be given by the public body, or, if a public body has not adopted written procedures, the right to inspect, copy or mechanically reproduce or obtain a reproduction of a public record of the public body shall be provided within one

(1) wor□ing day after a written re□uest for a public record is made. No public body shall adopt procedures which will authori□e the public body to produce or deny production of a public record later than seven (7) wor□ing days from the date of the receipt of the re□uest for the production of the record.

(b) If a public body is unable to produce a public record by the seventh wor□ing day after the re□uest is made, the public body must provide a written explanation to the person ma□ing the re□uest stating that the record re□uested will be produced and specifying with particularity why the records cannot be produced within the seven-day period. Unless there is mutual agreement of the parties, or the information re□uested is part of ongoing negotiations related to a re□uest for competitive sealed proposals, in no event shall the date for the public body□s production of the re□uested records be any later than fourteen (14) wor□ing days from the receipt by the public body of the original re□uest. Production of competitive sealed proposals in accordance with re□uests made pursuant to this section shall be no later than seven (7) wor□ing days after the notice of intent to award is issued to the winning proposer. Persons ma□ing a re□uest for production of competitive sealed proposals after the notice of intent to award is issued by the public body shall have a reasonable amount of time, but in no event less than seven (7) wor□ing days after the production of the competitive sealed proposals, to protest the procurement or intended award prior to

contract execution. However, in any instance where a person has filed for a protective order for a competitive sealed proposal and the court has not ruled on the protective order within ninety (90) days of filing, then the public body may proceed with awarding the contract without production of competitive sealed proposals and the contract may be protested after execution.

(2) If any public record contains material which is not exempted under this chapter, the public agency shall redact the exempted material and ma□e the nonexempted material available for examination. Such public agency shall be entitled to charge a reasonable fee for the redaction of any exempted material, not to exceed the agency□s actual cost.

(3) Denial by a public body of a re□uest for access to or copies of public records under this chapter shall be in writing and shall contain a statement of the specific exemption relied upon by the public body for the denial. Each public body shall maintain a file of all denials of re□uests for public records. Public bodies shall be re□uired to preserve such denials on file for not less than three (3) years from the date such denials are made. This file shall be made available for inspection or copying, or both, during regular office hours to any person upon written re□uest.

(4) This section shall stand repealed on □uly 1, * * * 2024.

SECTION 2. This act shall ta□e effect and be in force from and after □uly 1, 2021.

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